

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 20, 2005**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., April 20, 2005, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1; Andrew Kunasek, District 3. Absent: Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Stefanie Pesqueira, Administrative Coordinator; David Smith, County Manager; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Gwen Simpson, Human Resources Director, delivered the invocation.

PLEDGE OF ALLEGIANCE

Jesse Locksa, Sheriff's Office, led the assemblage in the Pledge of Allegiance.

PRESENTATION – MRS. WILLIAM STOUT

Presentation was made to Mrs. William Stout in recognition of the late Constable William Stout's service to the citizens of the Glendale Justice Court Precinct. Chairman Wilson briefly highlighted Constable Stout's accomplishments during his terms. Flowers and a plaque were presented to Mrs. Stout on behalf of the Board. Mrs. Stout expressed her appreciation and noted that Constable Stout enjoyed serving as constable and working with a great staff, most notably Judge Toby. (ADM1301)

PRESENTATION – REWARDING IDEAS

Jesse Locksa, Sheriff' Office, announced awards recognizing those employees whose creative proposals have been put to use to find more efficient ways of performing their jobs. These proposals resulted in an annual savings of \$20,825 to Maricopa County and its taxpayers. Those honored are described as follows:

Merna Farrell, Sheriff's Office, proposed the idea of placing the Sheriff's Office claims forms on their U-Drive. She received a Certificate of Commendation.

Richard Lopez and Karen Rushing of the Clerk of the Superior Courts Office proposed they make the 2005 court calendar available via the Maricopa County Court Intranet site. This proposal resulted in a savings of \$300. Both received a check for \$60 and a Certificate of Appreciation.

Kimberly Kelly and Virginia Wombolt of the Adult Probation Department proposed placing all adult probation preprinted forms, letters and screening forms on a template in Word format. This proposal resulted in avoiding overtime cost and a realized saving of \$20,825. Both received a check for \$1,250 and a Certificate of Appreciation. (C2005010900) (ADM3333-002)

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Chairman Wilson called for a public hearing on liquor license application a) through e) as outlined below. No protests having been received and no speakers coming forth at the Chairman's call, motion was made

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by Supervisor Kunasek and seconded by Supervisor Stapley, to recommend approval of the following liquor license application:

- a. Application filed by Martin David Gonzales for a Temporary Extension of Premises/Patio Liquor License: (ADM664-82)

Business Name: Pinata Nueva
Location: 3655 W. Anthem Way #D105, Anthem, AZ
Date: May 5, 2005

Approval contingent upon successful completion and issuance of a Temporary Use Permit from Planning and Development

- b. Application filed by Ian Shawn Horvath for a Special Event Liquor License: (F23164) (SELL677)

Business Name: Kind Jam
Location: 18001 W. Broadway Road, 85326
Date/Time: April 22, 2005, 2:00 pm to 1:30 am
April 23, 2005, 10:00 am to 1:30 am

- c. Application filed by Karen Elizabeth Alexander for a Temporary Extension of Premises/Patio Liquor License: (ADM664-81)

Business Name: Alexander Restaurant, LLC
Location: 46639 N. Black Canyon, New River, 85087
Date: April 23, 2005

Does not meet Planning and Zoning requirements.

- d. Application filed by Sandra Jean Crowell for an Original Series 12 Liquor License: (LL6145)

Business Name: Mommas' Country Kitchen
Location: 3rd Street and Highway 60, Aguila, 85320

- e. Application filed by Kim Kenneth Kwiatkowski for a Transfer-of-Location of a Series 9 Liquor License: (LL6146)

Business Name: Circle K #6640
Location: 620 E. Carefree Highway, Phoenix, 85085
Former Location: Circle K at 1049 W. Hatcher, Phoenix, 85021

Motion carried by a majority vote (3-1-1) vote with Supervisors Stapley, Kunasek, and Wilson voting "aye" and Supervisor Brock voting "nay." (Supervisor Wilcox was absent)

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ROAD ABANDONMENT (ROAD FILE NO. AB-107) – CONTINUED

Item: Approve the abandonment of Road File No. AB-107, a portion of Cloud Road. Objection to the abandonment has been noted. This item continued from April 6, 2005.

Motion was made by Supervisor Brock and seconded by Supervisor Stapley, who noted he is in favor of approval of the abandonment, motion to continue this matter to the May 4, 2005 meeting.

PUBLIC HEARING – AIR POLLUTION CONTROL REGULATIONS RULE 314 AND RULE 358 AND SIP CHANGES

As required by A.R.S. §49-479(b), Chairman Wilson called for a public hearing to solicit comments on the proposed amendments to the Maricopa County Air Pollution Control Regulations Rule 314 (Open Outdoor Fires) and proposed new Rule 358 (Polystyrene Foam Operations) and on submitting these rules as a revision to the (Arizona) State Implementation Plan (SIP). (C8505012000) (ADM2354) (ADM2351-001)

Comments were heard by Jason Isaak, representing WinCup. Mr. Issak addressed the Board of Supervisors regarding this item. Mr. Isaak said that his company had just received the comments on the responses they had submitted regarding this rule. Additionally, they received a letter from their legal counsel only this morning about various concerns with the rule. He acknowledged that the Board of Supervisors would need to move forward with this rule but asked if they could continue to discuss with staff some possible amendments or flexibility in certain areas such as cross-line averaging. He indicated that they felt that some information regarding the 3.2 lbs. of VOC emissions was unclear and that clarity was needed in order to determine compliance.

Supervisor Brock indicated that he was speaking for Supervisor Wilcox who was unable to attend the meeting. On her behalf, he asked the Department and Board to continue working with WinCup regarding their concerns, especially in the area of cross-line averaging.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve Maricopa County Air Pollution Control Regulations Rule 314 (Open Outdoor Fires) and proposed new Rule 358 (Polystyrene Foam Operations) and on submitting these rules as a revision to the (Arizona) State Implementation Plan (SIP), as follows:

**EXECUTIVE SUMMARY
PROPOSED RULE 358 POLYSTYRENE FOAM OPERATIONS**

Reasons for Initiating the Rule:

New Rule 358 addresses volatile organic compound (VOC) emissions that are emitted from the manufacture of expanded-polystyrene (EPS) foam products. Section 182 (a)(2)(A) of the Clean Air Act requires that Reasonable Available Control Technology (RACT) be applied in ozone nonattainment areas to each stationary facility that is a major source of VOC emissions. Maricopa County has identified four facilities that expand polystyrene (EPS) to make foam products, each of which have uncontrolled VOC emissions that exceed the major source threshold of 50 tons per year. New Rule 358 incorporates reasonably available control technology. It is estimated that VOC emissions from the EPS foam industry will be reduced by 175 - 200 tons per year from 2001 levels due to new Rule 358.

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Further, EPA can not finalize approval of the 1-Hour Ozone Maintenance Plan and Redesignation Request until Maricopa County adopts RACT for this last remaining major source category. If the County can be redesignated to attainment for the 1-hour ozone standard prior to June 15, 2005, we will be subject to fewer prescriptive requirements when we prepare the State Implementation Plan revision for the 8-hour ozone standard.

The Basic Process:

Regardless of what category of molded foam products an EPS foam facility specializes in, the basic processing steps are the same. The raw material is tiny plastic (polystyrene) beads that are made with liquid pentane gas incorporated within them. In a typical workday, several billion of these beads are heated by steam until the expanding pentane vaporizes to gas puff up each bead from 10 to 50 times its original volume. The resulting "puff" globules are then cured by simply aging them in large containers exposed to air. Aging allows the hot plastic to cool and set, the steam-water to evaporate, and the pressure within each puff globule to equalize with atmospheric pressure. Aging also allows the EPS facility to regulate the amount of VOC that is in the puff in order to control the molding process. Molding is the final processing operation necessary to produce a molded EPS product. In molding, the aged puff is first conveyed or blown into a mold. The mold is closed, pressure and heat applied for the programmed time, and then the mold is opened.

Of the four facilities affected by the emission standards of Rule 358, three are block-makers and one is a cup-maker. A block is typically 16 to 24 feet long and has a width and depth of 2 1/4 to 4 feet. The large foam blocks that emerge from these molds are typically cut into insulation boards and flat architectural shapes. The cup-maker has as many as 40 different types of molds and up to a few dozens of each mold-type to make everything from small coffee cups to soup bowls to large 44 oz. tumblers, depending on customer needs. Shape molding typically produces custom parts and custom packaging designed to exactly fit and surround an item to be shipped.

Proposed Standards:

The proposed rule limits the sum of VOC retained in the resulting product and the VOC that escaped during processing for every 100 pounds of raw beads processed. The proposed standard for each product sector is presented in Table 1 below.

Table 1 EPS Emission Standards
(per 100 pounds of raw material processed)

Product Sector	Proposed Rule 358	South Coast (CA)	Bay Area (CA)
Block	3.0 lb VOC	2.4 lb VOC	2.4 lb VOC
Shape	2.7 lb VOC	2.4 lb VOC	2.7 lb VOC
Cup	3.2 lb VOC	2.4 lb VOC	2.8 lb VOC
Loose Fill	2.4 lb VOC	2.4 lb VOC	2.4 lb VOC

In addition, block-makers will also be allowed an alternative standard 3.9 pound for every 100 pounds of raw beads processed for making very light (<0.8 pounds pcf) or very dense products (2.0 pcf or more) blocks from raw beads containing more than 5.5% VOC.

Economic Impact:

Maricopa County has identified four facilities whose uncontrolled VOC emissions exceed 50 tons per year. Two of the four facilities recently installed new VOC-control devices and reported spending between \$220,000 and \$310,000 for their capital equipment. Staff estimates the four facilities will each

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spend between \$320,000 and \$697,500 in initial capital costs. Assuming a 10 year depreciation cycle for the capital costs, staff estimates annual costs will range from \$137,270 to \$201,930. These costs include the depreciated capital costs, utilities, labor, etc. Staff estimates that these costs will have an impact of \$0.02—0.04 per pound of raw beads processed. This cost will probably be passed on to consumers. (See Radnor discussion below)

Table 2 Rule Costs

Product Sector	Initial Capital Cost	Annual Cost	Cost per ton VOC reduced
Small Block	\$631,100	\$170,940	\$4,824
Medium Block	\$570,000	\$147,320	\$2,104
Large Block	\$318,500	\$137,270	\$3,990
Cup	\$697,500	\$201,930	\$5,414

Based on limited testing information, block makers will probably have to increase aging times for some products. Increasing aging time will require additional aging capacity to maintain current production levels. The cost of a 1,500 cubic foot aging-bag plus other equipment, direct installation, and indirect costs ranges from approximately \$2,350 to \$9,500.

The cup maker located in the South Coast Air Quality Management District (SCAQMD) chose to control emissions up to molding and make operational changes to the aging process to comply with the 2.4 lb VOC standard the SCAQMD rule. Dart indicated that the full range of cup and container products are produced at their Corona plant. The products range in density from 2.2 to 4.2 lbs. per cubic foot.

For the Wincup, actual costs may be lower if the company's existing means of VOC control has sufficient capacity to also serve additional enclosure(s). Wincup also indicated that they believe that front-end controls and operational changes will be the most cost effective strategy for their plant. In comparison to Dart, Wincup produces a noodle bowl with 4.25 lbs per cubic foot density.

The parent company of Wincup, Radnor Holdings Corporation, went public last year. An SEC Form 10-Q quarterly report ending September 24, 2004 provides the following data for the packaging segment for the 9 months:

- Operated 15 plants in North America and 3 in Europe
- Radnor is the 2nd largest manufacturer of foam cup and container products in U.S.
- Net sales--\$179.2 million
- Gross profit--\$36.5 million

The form also includes a discussion of the cost of goods sold. Beginning in July 2003 through September 2004, market prices of styrene monomer, the primary raw material in Company's foam products, increased by 81% to \$0.70 per pound. They further note that prices for styrene monomer are forecasted by independent industry surveys and producer reports to decrease to \$0.68 per pound by the end of 2004 and to \$0.55 per pound by the end of 2005. Radnor also indicated that the Company has been able to pass on the majority of past raw material price increases to customers.

PUBLIC HEARING – DEANNEXATION FROM CITY OF TOLLESON, ANNEXATION TO CITY OF PHOENIX - APPROVED

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As required by A.R.S. §9-471.02, Chairman Wilson called for a public hearing on ordinances filed by the City of Tolleson, Ordinance No. 423 and the City of Phoenix, Ordinance No.G-4666, concurrently deannexing and annexing certain territory within their present corporate limits more particularly described as approximately 3.06 acres of certain right-of-way within the City of Tolleson on 83rd Avenue between Van Buren Street and I-10. (ADM4213)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) that the following resolution deannexing certain territory from the City of Tolleson and annexing that same territory to the City of Phoenix be approved.

WHEREAS, the City Council of the City of Tolleson, Arizona, has pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by formal action Ordinance No. 423, N.S., deannexing from the City of Tolleson, the territory described as follows:

That portion of Sections 3, 10 and 11, Township 1 North, Range 1 East, G&SRB&M, described as follows:

COMMENCING at the Northwest corner of said Section 11;
Thence South 00° 01' 14.88" West along the West line of said Section 11, a distance of 33.00 feet to a point in the boundary of the area annexed to the City of Phoenix, Arizona, by its Ordinance No. G-1490, recorded in Docket 11264, page 754, records of Maricopa County, Arizona, and being the POINT OF BEGINNING;
Thence South 89° 31' 22.93" East, along the Phoenix City Limit line as established by said Ordinance, a distance of 118.00 feet to the East right of way line of the Roosevelt Irrigation District Canal;
Thence South 00° 01' 14.88" West, along said East right of way line and continuing along said Phoenix City Limit line a distance of 32.00 feet to a point in the South line of the North 65 feet of said Section 11;
Thence North 89° 31' 22.93" West, along said South line a distance of 116.53 feet to the West line of said Section 11, being identical with the East line of said Section 10;
Thence South 84° 19' 51.16" West parallel with the North line of said Section 10 a distance of 58.75 feet;
Thence North 01° 36' 45.89" East, parallel with and 55 feet West of the East line (and the Southerly prolongation thereof) of said Section 3, a distance of 2272.68 feet;
Thence North 00° 13' 22.23" West a distance of 387.20 feet;
Thence North 04° 46' 12.12" West a distance of 719.63 feet;
Thence North 47° 56' 9.12" West a distance of 61.72 feet;
Thence North 01° 39' 50.88" East a distance of 51.51 feet;
Thence South 88° 20' 45.50" East a distance of 161.87 feet to the West line of the East 33 feet of said Section 3, being a point in the boundary of said area annexed to the City of Phoenix by its Ordinance No. G-1490;
Thence South 01° 39' 14.50" West, along last said West line, and along the Phoenix City Limit line as established by said Ordinance No. G-1490, a distance of 758.60 feet to an angle point therein;

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Thence South 01° 36' 45.88" West, continuing along last said West line and the Southerly prolongation thereof, and continuing along the Phoenix City Limit line as established by said Ordinance No. G-1490, a distance of 2672.62 feet;
Thence North 84° 19' 51.16" East, continuing along the Phoenix City Limit line as established by said Ordinance No. G-1490, a distance of 34.19 feet to the POINT OF BEGINNING.

WHEREAS, the City Council of the City of Phoenix, has pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by formal action Ordinance No. G-4666, annexing to the City of Phoenix, the territory described above; and

WHEREAS, the aforesaid Resolution, and Ordinance were filed with the Maricopa County Board of Supervisors; and

WHEREAS, after such notice as was appropriate and legally required, the Maricopa County Board of Supervisors scheduled a hearing on the matter for 9:00 a.m., April 20, 2005; and

WHEREAS, it was determined at such hearing that the requirements of Section 9-471.02, Arizona Revised Statutes, had been satisfied; and

WHEREAS, no protests were filed,

NOW, THEREFORE, BE IT RESOLVED that the deannexation of that territory described above in the City of Tolleson and annexing said territory to the City of Phoenix is hereby ordered; and

BE IT FURTHER RESOLVED that a copy of this order be filed with the Recorder's Office of Maricopa County.

DATED this 20th day of April 2005.

PUBLIC HEARING – DEANNEXATION FROM CITY OF PEORIA, ANNEXATION TO CITY OF PHOENIX - APPROVED

As required by A.R.S. §9-471.02, Chairman Wilson called for a public hearing on ordinances filed by the City of Peoria, Ordinance No. 05-04 and the City of Phoenix, Ordinance No. G-4674, concurrently deannexing and annexing certain territory within their present corporate limits more particularly described as approximately 0.0002 acres of certain territory within the City of Peoria along the alignment of Pyramid Peak Parkway. (ADM4213)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) that the following resolution deannexing certain territory from the City of Peoria and annexing that same territory to the City of Phoenix be approved.

WHEREAS, the City Council of the City of Peoria, Arizona, has pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by formal action Ordinance No. 05-04., deannexing from the City of Peoria, the territory described as follows:

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That part of Section 25, Township 5 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at the Northeast corner of said Section 25;
Thence South 00 degrees 03 minutes 59 seconds East, along the East line of said Section 25, a distance of 1103.18 feet;
Thence departing said East line South 89 degrees 56 minutes 01 seconds West, a distance of 55.00 feet to a point that lies 55.00 feet West of the East line of said Section 25, being a point in the boundary of the area annexed to the City of Phoenix, Arizona, by its Ordinance No. G-3640, recorded in Document No. 93-313864, records of Maricopa County, Arizona, said point being the POINT OF BEGINNING;
Thence South 00 degrees 03 minutes 59 seconds East, parallel with and 55.00 feet West of said East line and along the Phoenix City Limit line as established by said Ordinance No. G-3640, a distance of 685.22 feet to the beginning of a non-tangent curve concave to the East, the center of which bears North 83 degrees 18 minutes 26 seconds East, a distance of 1497.00 feet;
Thence Northwesterly 173.13 feet along said curve through a central angle of 06 degrees 37 minutes 35 seconds, to a point of tangency that lies 65.00 feet West of the East line of said Section 25;
Thence North 00 degrees 03 minutes 59 seconds West, parallel with and 65.00 feet West of said East line, a distance of 523.14 feet;
Thence South 43 degrees 14 minutes 19 seconds East a distance of 14.62 feet to the POINT OF BEGINNING.

WHEREAS, the City Council of the City of Phoenix, has pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by formal action Ordinance No. G-4674, annexing to the City of Phoenix, the territory described above; and

WHEREAS, the aforesaid Resolution, and Ordinance were filed with the Maricopa County Board of Supervisors; and

WHEREAS, after such notice as was appropriate and legally required, the Maricopa County Board of Supervisors scheduled a hearing on the matter for 9:00 a.m., April 20, 2005; and

WHEREAS, it was determined at such hearing that the requirements of Section 9-471.02, Arizona Revised Statutes, had been satisfied; and

WHEREAS, no protests were filed,

NOW, THEREFORE, BE IT RESOLVED that the deannexation of that territory described above in the City of Tolleson and annexing said territory to the City of Phoenix is hereby ordered; and

BE IT FURTHER RESOLVED that a copy of this order be filed with the Recorder's Office of Maricopa County.

DATED this 20th day of April 2005.

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REIMBURSE UNITED FOOD BANK FOR DRIVEWAY REPAIR

In accordance with A.R.S. §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and authorize the transfer of not-to-exceed \$4,500 from Appropriated Fund Balance (480) General Fund (100) Reserved Contingency (4811) to a new line in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) entitled "United Food Bank Driveway". Approval of this action will reimburse the United Food Bank for the cost associated with repairing the food bank parking lot. The countywide net impact of these adjustments is zero. (C0605018800) (ADM2000-006)

IGA WITH BOARD OF REGENTS FOR A PUBLIC INVOLVEMENT REPORT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and execute an Intergovernmental Agreement (IGA) between Maricopa County, through its Internal Audit Department, and the Arizona Board of Regents, acting for, and on behalf of, Arizona State University. Under this agreement, Arizona State University will develop a public involvement report that concentrates on ways to enhance citizen involvement in setting strategic goals and performance measures for Maricopa County. This agreement shall begin on the date executed by the Board, and shall terminate September 30, 2005. The funding for this agreement will come from the National Center for Civic Innovation Grant Funds already approved for Internal Audit. The use of these funds for this agreement is consistent with the grant's guidelines. Internal Audit shall reimburse Arizona State University \$16,000 of these grant funds for completion of the scope of work as outlined in the agreement. (C2305002000)

EXEMPT VEHICLES FROM COUNTY MARKINGS AND ISSUE NON-GOVERNMENTAL PLATES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve vehicles 51507 and 51515 as exempt from county markings and issue regular Arizona license plates. The vehicles were procured through the standard vehicle replacement procedures and are replacing vehicles that also had undercover plates. These vehicles will be used for investigative activity and need undercover plates. (C1905030000) (ADM3104V)

MVD DATABASE ACCESS AGREEMENT AND MEMORANDUM OF UNDERSTANDING

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the State-County Attorney Motor Vehicle Division Database (MVD) Access Agreement and Memorandum of Understanding (MOU). The Arizona Department of Transportation, Motor Vehicle Division requests each county agency to enter into an agreement whereby procedures necessary to assure confidentiality of the personal information contained in the MVD database are implemented. The agreement provides access procedures and security provisions that MVD considers necessary before allowing access to its database. The MOU provisions clarify specific elements of the agreement. (C1905031000)

SETTLEMENT AGREEMENT WITH ORSETT/COLUMBIA LIMITED PARTNERSHIP

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the Settlement Agreement with Orsett/Columbia Limited Partnership as discussed in Executive Session on April 18, 2005. This settlement resolves a dispute between Maricopa County and

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Orsett/Columbia Limited Partnership regarding the damages due as a result of a failed condemnation action of a leasehold interest in the Peoria Justice Court leased space. (C1905032M00) (ADM409)

ADDITION TO FLEET AND EXEMPTION FROM MARKINGS FOR STARS PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a one-time addition to the fleet of a 2004 Chrysler Sebring Convertible (VIN #1C3EL45R14N327743) valued at \$13,550 to be purchased with RICO funds. This vehicle will be used in the Sheriff's Teaching Abuse Resistance to Students Program (STARS). Approve an exemption from markings so that this vehicle can be wrapped in STARS logos, etc. Continued operation and maintenance of this vehicle (approximately \$3,500/year) will be funded by RICO. This is a one-time addition to fleet with no funding from the county's Vehicle Replacement Fund for its replacement. (C5005057M00) (ADM3104V)

TEMPORARY ADDITION TO FLEET AND EXEMPTION FROM MARKINGS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a one-time addition to fleet of a car, valued at \$19,920, seized (DR#03-14548) and forfeited to the state for the benefit of the Maricopa County Sheriff's Office through the County Attorney's Office (CV#2004-016037) and is now Sheriff's Office property. The vehicle will be used for deep undercover activity and requires exemption from governmental markings, including non-governmental license plates, pursuant to A.R.S. §38-538.03. RICO funds will support its operation, maintenance and fuel costs. No vehicle replacement cost is associated with this temporary addition to fleet, which will automatically be removed from the MCSO fleet when it is no longer useful. Confidential vehicle information is on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule. (C5005058M00) (ADM3104V)

PERMANENT ADDITIONS TO FLEET OF ARTICULATING BOOM LIFTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve permanent additions to fleet of two Genie Z30/20N RJ 30-foot articulating boom lifts, replacing approval of additions to fleet of two scissors lifts on November 3, 2004 (C5005015800). One lift was purchased in September for \$36,591.91 with Jail Enhancement Funds. The other was purchased for \$36,483.75, using funding authorized by the Board from Detention Appropriated Fund Balance New Jail Start Up designated for two scissors lifts (\$44,482.00). This yielded an overall savings to the Detention Fund Appropriated Fund balance of \$7,998.25. The vehicles are battery powered and detention funds will support their operations and maintenance. (C5005059M00) (ADM3104)

LEASE WITH THE CITY OF PHOENIX FOR ICJIS DEPARTMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and execute new Full Service Lease No. L-7375 with the City of Phoenix, an Arizona Municipal Corporation, lessor, for 5,730 square feet of office space at 411 N. Central Avenue, Suite 400, for continued use by the Integrated Criminal Justice Information System. The lease term will commence on December 15, 2004, and expire on October 31, 2006. Rent will be \$7,811.90, plus 2.4% tax per month, for the term and for any holdover period. Parking spaces include three covered-reserved at \$40.00/month each, three covered-unreserved at \$20.00/month each and 12 uncovered-unreserved at

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\$10.00/month each. This lease contains a 30-day termination provision, and a month-to-month holdover provision. (C4205002400)

LEASE WITH CITY SQUARE ASSOCIATES, L.L.C., FOR OFFICE OF THE LEGAL ADVOCATE

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and execute new Full Service Lease No. L-7371 with City Square Associates, L.L.C., lessor, for 24,878 square feet of office space at 3800 N. Central Avenue, Suites 1400, 1500 and 1650, to be used by the Office of the Legal Advocate. The lease term will commence on or about June 1, 2005 and expire on July 31, 2010. It contains an option for two additional five-year terms with a six-month holdover provision and also provides free rent for the first four months. Rental costs are (add 2.4% tax to totals):

- o Months 1-4 (4 months): no cost
- o Months 5-12 (8 months): \$267,023.86
- o Months 13-24 (12 months): \$412,974.84
- o Months 25-36 (12 months): \$425,413.80
- o Months 37-48 (12 months): \$437,852.76
- o Months 49-62 (14 months): \$525,340.48

The county is responsible for a pro-rated share of increased operating expenses over the base year 2005 amount, but not-to-exceed a 5% increase of controllable expenses. The lease includes 25 covered-reserved, 25 covered-unreserved and 30 uncovered-unreserved parking spaces. This lease contains a 180-day termination provision after the first 36-months with a termination penalty of \$9,251.51 times the number of months remaining in the initial term. (C5505004400)

LEASE WITH CITY OF PHOENIX FOR OFFICE OF LEGAL ADVOCATE

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and execute new Interim Full Service Lease No. L-7376 with the City of Phoenix, an Arizona Municipal Corporation, lessor, for 18,865 square feet of office space at 411 N. Central Avenue, Suites 840 and 900, for continued use by the Office of the Legal Advocate. The lease term will commence on December 15, 2004 and expire on May 31, 2005. Rent will be \$31,378.78, plus 2.4% tax per month, for the term and for any holdover period. The lease includes two covered-reserved, 14 covered-unreserved and 48 uncovered-unreserved parking spaces. This lease contains a 30-day termination provision, and a month-to-month holdover provision. (C5505005400)

SETTLEMENT AGREEMENT WITH KATHY SILVA

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the Settlement Agreement with Kathy Silva, a Correctional Health Services employee, as discussed in Executive Session on April 18, 2005. (C2605012700) (ADM409)

REJECT CLAIMS DEMANDS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to reject claim demands (March 2005) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to the A.R.S. §11-629 (not a proper

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charge against the county) and A.R.S. §11-622 (claims not having been filed within six months after the last item of the account accrues). (A.R.S. §11-629 \$219,006.57 and A.R.S. §11-622 \$0.00) (C3905035700) (ADM1804)

MONTHLY REPORT
March 2005

VENDOR	AMB., DOCTORS, HOSP. ARS 11-629	OVER SIX MONTHS ARS 11-622
Air Evac Services, Inc.	10,242.00	0.00
American Ambulance	610.23	0.00
Arizona Arrhythmia Consultant	576.00	0.00
Arizona Kidney Disease & Hyper	608.00	0.00
Banner Desert Medical Ctr	22,333.75	0.00
Banner Good Sam Trauma Service	456.00	0.00
Banner Good Samaritan Reg Med	19,404.00	0.00
Canyon Surgery Center	10,096.00	0.00
City of Phoenix Ambulance	631.75	0.00
Clinical Diagnostic Radiology	418.00	0.00
Emergency Physicians Prof Asso	3,106.00	0.00
Emergency Professional Svcs pC	1,380.00	0.00
Hospitalists of Arizona	811.00	0.00
Kidd, William H. MD PC	110.00	0.00
Maricopa Health Systems	172.00	0.00
MedPro	109,476.72	0.00
Phoenix Memorial Hospital	1,391.89	0.00
Professional Diagnostix	197.00	0.00
Professional Medical Transport	2,724.95	0.00
Rocky Mountain Hldgs, LLC	7,100.00	0.00
Rural Metro Ambulance	2,122.13	0.00
Southwest Ambulance	6,617.02	0.00
Tempe St. Luke's Hospital	3,934.13	0.00
Valley Radiation Oncology	14,488.00	0.00
Grand Totals:	219,006.57	0.00
Restitution	0.00	
Totals Denials:	219,006.57	

PERSONNEL AGENDAS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of minutes.

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RESOLUTION TO NOVATE, CLOSE OR TRANSFER MEMBERSHIP IN THE MARICOPA HEALTH (AHCCCS ACUTE) PLAN

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a resolution authorizing and directing the County Manager to contact the Chief Executive Officer of the Maricopa County Special Health Care District and the Executive Director of the Arizona Health Care Cost Containment System to request approval to novate, close, or transfer the membership in the Maricopa Health (AHCCCS Acute) Plan on or before September 30, 2005. (C4905032600) (ADM2119)

**RESOLUTION
TO SEEK APPROVAL TO TRANSFER OR CLOSE
THE MARICOPA AHCCCS ACUTE HEALTH PLAN**

WHEREAS, Maricopa County, has managed and operated the Maricopa Health (AHCCCS Acute) Plan since 1982; and

WHEREAS, enrollment in the Maricopa Health Plan has been capped by the Arizona Health Care Cost Containment System Administration for the last ten months, which has had a detrimental affect on membership and premium revenues; and

WHEREAS, the Maricopa Health Plan has suffered a significant net monthly loss for at least the last 18 months; and

WHEREAS, Maricopa County will have subsidized the operation of the Maricopa Health (AHCCCS Acute) Plan by at least \$28 million for the last two fiscal years; and

WHEREAS, operating an AHCCCS acute health plan as a non-mandated business enterprise is inconsistent with the mission of Maricopa County; and

WHEREAS, the Master IGA with the Maricopa County Special Health Care District permits Maricopa County to transfer the Maricopa Health Plan with the consent of the District or transfer the Plan membership if consent to transfer the Plan itself cannot be reached.

NOW THEREFORE, be it resolved that:

1. The Maricopa County Board of Supervisors authorizes and directs David Smith, County Manager, to contact the Chief Executive Officer of the Maricopa County Special Health Care District and the Executive Director of the Arizona Health Care Cost Containment System to discuss a formal timeline for obtaining approval to close, or transfer the membership in the Maricopa Health Plan on or before September 30, 2005.
2. Formal approval by the Maricopa County Board of Supervisors shall be required before any final action may be taken to novate, close, or transfer the membership in the Maricopa Health Plan.

PASSED AND ADOPTED by the Maricopa County Board of Supervisors at their meeting on the 20th day of April 2005.

/s/ Max W. Wilson, Chairman

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ATTEST:

/s/ Fran McCarroll, Clerk of the Board

RESOLUTION TO NOVATE, CLOSE, OR TRANSFER MEMBERSHIP IN THE MARICOPA COUNTY LONG TERM HEALTH PLAN

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a resolution authorizing and directing the County Manager to contact the Executive Director of the Arizona Health Care Cost Containment System to request approval to novate, close, or transfer the membership in the Maricopa County Long Term Health Plan on or before September 30, 2005. (C4905033600) (ADM2122)

**RESOLUTION
TO SEEK APPROVAL TO TRANSFER OR CLOSE
THE MARICOPA COUNTY LONG TERM CARE HEALTH PLAN**

WHEREAS, Maricopa County, has managed and operated the Maricopa County Long Term Care Health Plan since 1989; and

WHEREAS, in October 2001, Maricopa County ceased to be the sole health plan under the Arizona Long Term Care System and has subsequently lost significant market share and profitability; and

WHEREAS, the Maricopa County Long Term Health Plan has suffered a significant net monthly loss for at least the last 18 months; and

WHEREAS, Maricopa County will have subsidized the operation of the Maricopa County Long Term Care Health Plan by at least \$60 million for the last two fiscal years; and

WHEREAS, operating a long-term care health plan as a non-mandated business enterprise is inconsistent with the mission of Maricopa County; and

WHEREAS, the Master IGA with the Maricopa County Special Health Care District permits Maricopa County to transfer the Maricopa County Long Term Care Health Plan with the consent of the District or transfer the Plan membership if consent to transfer the plan itself cannot be reached.

NOW THEREFORE, be it resolved that:

3. The Maricopa County Board of Supervisors authorizes and directs David Smith, County Manager, to contact the Executive Director of the Arizona Health Care Cost Containment System to request approval to novate, close, or transfer the membership in the Maricopa County Long Term Health Plan on or before September 30, 2005.
4. Formal approval by the Maricopa County Board of Supervisors shall be required before any final action may be taken to novate, close, or transfer the membership in the Maricopa County Long Term Health Plan.

PASSED AND ADOPTED by the Maricopa County Board of Supervisors at their meeting on the 20th day of April 2005.

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/s/ Max W. Wilson, Chairman

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

ACCEPT FUNDS FROM ARIZONA DES FOR REFUGEE SCREENING MEDICAL ASSISTANCE PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to:

- Approve acceptance of additional funds from the Arizona Department of Economic Security (DES) for the Refugee Screening Medical Assistance Program in the amount of \$156,223. The grant award period is from July 1, 2004 through June 30, 2005. This grant was previously approved on our 2004 Letter of Intent in the amount of \$470,000. The Public Health Department's indirect rate is 19.3%. Indirect costs are estimated to be \$25,273 of which all are recoverable and \$0 is unrecoverable. The grantor will provide reimbursement funding for this grant as it is an open-ended grant with a fee schedule based on the number of clients served with no cap established.
- Approve revenue and expenditure adjustments to the Public Health Department's Grant Fund (Department 860, Fund 532) associated with the grant in an amount not-to-exceed of \$156,223. The appropriation adjustment is necessary because these funds were not included in the FY 2004-05 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8604064201)

GRANT WITH ABBOTT LABORATORIES FOR REIMBURSEMENT OF CATERING EXPENSES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve acceptance of a Ryan White CARE Act Title 1 Grant with Abbott Laboratories in the amount of \$4,000. The grant award is retroactive covering county expenses for the period October 1, 2004 through January 31, 2005. The Public Health Department's indirect rate is 19.3%. Grant indirect costs are reimbursable at a rate of 19.3%. Indirect costs are estimated to be \$647, of which \$647 is recoverable and \$0 is unrecoverable. The grantor will provide reimbursement funding for the grant. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. Approval of this grant does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

Abbott Laboratories has approached the Maricopa County Department of Public Health, Division of HIV/HCV Services, to support the educational services program of the Ryan White CARE Act Title 1 grant, by reimbursing the grant for catering expenses incurred to provide HIV education forums and events. (C8605568300)

ACCEPT A TOBACCO USE PREVENTION GRANT FROM AMERICAN LEGACY FOUNDATION

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to:

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- Approve acceptance of a Tobacco Use Prevention Program Grant from American Legacy Foundation in the amount of \$100,000. These funds will be passed through to a community-based organization for the purpose of providing tobacco use education and prevention to the African-American community. The grant award period will be retroactive beginning March 1, 2005 to February 28, 2007. This entire grant is pass-through funding, therefore, no indirect monies exist. The Public Health Department's indirect rate is 19.3%. Grant indirect costs are reimbursable at a rate of 0%. Full indirect costs are estimated at \$19,300, of which \$0 is recoverable and \$19,300 is unrecoverable. The grantor will provide annual quarterly reimbursement funding for the grant.
- Approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the grant in an amount not-to-exceed \$50,000. The appropriations adjustment is necessary because these funds were not included in the FY 2004-05 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8605903300)

IGA WITH ADHS FOR TEEN PREGNANCY PREVENTION PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to:

- Approve Intergovernmental Agreement (IGA) No. HG554225 with the Arizona Department of Health Services (ADHS) in the amount of \$128,136 to provide a multi-faceted, comprehensive Teen Pregnancy Prevention Program utilizing research based strategies that have demonstrated effectiveness with teens. The agreement period will be effective upon Board of Supervisors' approval to February 28, 2009. The Maricopa County Department of Public Health's indirect cost rate is 19.3%. Indirect costs on this funding are fully recoverable and estimated to be \$20,730. The grantor will provide reimbursement funding for the grant.
- Approve revenue and expenditure appropriation adjustments to the Department of Public Health (Department 860) Public Health Grant Fund (Fund 532) associated with the grant in an amount not to exceed \$128,136. The appropriations adjustment is necessary because these funds were not included in the FY 2004-05 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. By approving this agenda item, the Board will be authorizing the Chairman to sign all applications, contracts, and subsequent administrative amendments related to this grant. (C8605904200)

PURCHASE OF A DIGITAL X-RAY SYSTEM FOR PUBLIC HEALTH CLINIC

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following expenditure appropriation adjustments, reducing Appropriated Fund Balance General Fund Reserved Contingency - Technology Reserve (100-480-4811) in the amount of not-to-exceed \$560,000, and increasing Appropriated Fund Balance General Fund Technology Projects (100-480-4814) by the same amount on a new line item entitled "Public Health Digital X-ray Equipment". These

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funds will be used to purchase a digital X-ray system for the new Public Health Clinic. The countywide net impact of these adjustments is zero. (C8605905800) (ADM2350-002)

RESOLUTION FOR THE FIFTH AMENDMENT TO 1984 CAFETERIA PLAN

As required by the implementation of the Health Insurance Portability and Accountability Act of 1966 (HIPAA) and in accordance with the Internal Revenue Code (IRC) Section 125 Cafeteria Plan, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to adopt a resolution authorizing the Fifth Amendment to the Maricopa County 1984 Cafeteria Plan by adding Article IX which outlines various security measures regarding the Security Act. This amendment shall be effective April 20, 2005. (C3505019700) (ADM3351)

**RESOLUTION
FIFTH AMENDMENT TO THE MARICOPA COUNTY
CAFETERIA PLAN**

WHEREAS, the Board of Supervisors of Maricopa County, Arizona (the "County"), adopted The Maricopa County Cafeteria Plan effective as of January 1, 1985 (the "Plan"), to provide certain cafeteria plan benefits to its employees; and

WHEREAS, the County is authorized, pursuant to Section 7.1 of the Plan, to adopt amendments to the Plan; and

WHEREAS, the County has determined that amendments are required to assure the Plan's successful operation and administration and compliance with the security provisions of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA");

NOW, THEREFORE, pursuant to the authority granted in Section 7.1 of the Plan, the Plan is hereby amended, effective April 20, 2005, by adding a new Article IX to the Plan to read as follows:

**ARTICLE IX
SECURITY ACT AMENDMENT**

9.1 Security Standards.

- (a) The Plan shall establish security standards to:
 - (i) Ensure the confidentiality, integrity, and availability of all electronically protected health information ("PHI") the Plan creates, receives, maintains or transmits.
 - (ii) Protect against any reasonably anticipated threats or hazards to the security or integrity of such PHI.
 - (iii) Protect against any reasonably anticipated uses or disclosures of such information that are not permitted or required under HIPAA.
- (b) In implementing the foregoing security standards, the Plan shall comply with the standards and implementation specifications and shall be entitled to use the flexibility approach set forth in 45 Code of Federal Regulations ("CFR") Section 164.306.

- (c) The provisions of this Article IX shall apply to all Benefit Plans maintained under this Plan to the extent such Benefit Plans are subject to the PHI security provisions contained in HIPAA.
- 9.2 Administrative Safeguards. In accordance with 45 CFR Section 164.306, the Plan shall:
- (a) Implement policies and procedures to prevent, detect, contain, and correct security violations.
 - (b) Identify the security official who is responsible for the development and implementation of the policies and procedures required by HIPAA.
 - (c) Implement policies and procedures to ensure that only members of the County's work force who are permitted to have access to the electronic PHI in fact have such access.
 - (d) Implement policies and procedures for authorizing access to electronic PHI that are consistent with the applicable provisions of HIPAA.
 - (e) Implement a security awareness and training program for all members of the County's work force (including management).
 - (f) Implement policies and procedures to address security incidents.
 - (g) Establish (and implement as needed) policies and procedures for responding to an emergency or other occurrence (e.g., fire, vandalism, system failure and nature disaster) the damage of systems that contain electronic PHI.
 - (h) Perform a periodic technical and nontechnical evaluation, based initially upon the standards implemented pursuant to this Fifth Amendment and subsequently, in response to environmental or operational changes affecting the security of electronic PHI, which establish the extent to which the Plan's security policies and procedures meet the requirements of HIPAA.
- 9.3 Business Associate Contracts and Other Arrangements. The Plan must enter into a written contract or other arrangement with its business associates meeting the requirements of Section 9.6 of this Plan below, which implements the following:
- (a) Assurances from the business associate that it will appropriately safeguard any electronic PHI that the business associate creates, receives, maintains or transmits on behalf of the Plan.
 - (b) The foregoing shall not apply to:
 - (i) The transmission by the Plan of electronic PHI to a health care provider concerning the treatment of an individual.
 - (ii) The transmission of electronic PHI by the Plan to the County to the extent the requirements of 45 CFR Sections 164.314(b) and 164.504(f) apply and are met.
- 9.4 Physical Safeguards. In accordance with 45 CFR Section 164.306, the Plan must implement the following physical safeguards with respect to electronic PHI:
- (a) Policies and procedures to limit physical access to its electronic PHI and the facility or facilities in which they are housed, while ensuring that properly authorized access is allowed.
 - (b) Policies and procedures that specify the proper functions to be performed, the manner in which those functions are to be performed, and the physical attributes of the surroundings of a physical work station or class of work station that can access electronic PHI.

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- (c) Physical safeguards for all work stations that access electronic PHI, to restrict access to authorized users.
 - (d) Policies and procedures that govern the receipt and removal of hardware and electronic media that contained electronic PHI into and out of the facility, and then move any of these items within the facility.
- 9.5 Technical Safeguards. In accordance with 45 CFR Section 164.306, the Plan shall implement the following with respect to safeguards of its technical policies and procedures.
 - (a) Technical policies and procedures for electronic PHI systems that maintain electronic PHI to allow access only to those persons or software programs that have been granted access rights.
 - (b) Hardware, software and/or procedural mechanisms that record and examine activity and information systems that contain or use electronic PHI.
 - (c) Policies and procedures to protect electronic PHI from improper alteration or destruction.
 - (d) Procedures to verify that a person or entity seeking access to electronic PHI is the one claimed.
 - (e) Technical security measures to guard against unauthorized access to electronic PHI over an electronic communications network.
- 9.6 Business Associate Contracts or Other Arrangements. Any contracts or other arrangements between the Plan and its business associates must meet the requirements of 45 Section 164.314.
- 9.7 County Requirements. As sponsor of the Plan, the County must undertake the following:
 - (a) Reasonably and appropriately safeguard electronic PHI, received, maintained, or transmitted to or by the County on behalf of the Plan.
 - (b) Implement administrative, physical and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of electronic PHI that the County creates, receives, maintains, or transmits on behalf of the Plan, all as required by Sections 9.2, 9.4 and 9.5 above.
 - (c) Ensure that the adequate separation required by 45 CFR Section 164.504(f)(2)(iii) is supported by reasonable and appropriate security measures.
 - (d) Ensure that any agent, including a subcontractor, to whom the County provides electronic PHI, agrees to implement reasonable and appropriate security measures to protect the information.
 - (e) Report to the Plan any security incident to which the County becomes aware.

IN WITNESS WHEREOF, the County has caused this Fifth Amendment to be signed by its duly authorized representative.

DATED this 20th day of April 2005.

/s/ Max W. Wilson, Chairman

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

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AMENDMENT TO LEASE WITH GILBERT TOWN CENTER ASSOCIATES FOR EAST VALLEY TRAINING CENTER

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and execute Amendment #1 to the Limited Service Lease No. L-7329 with Gilbert Town Center Associates, L.P., lessor for a 14,700 square foot East Valley Training Center at 735 N. Gilbert Road, Suite 134, Gilbert, AZ. Effective February 1, 2005, the building for the subject lease was sold to Freanel & Son Gilbert, LLC with all the terms of the original lease remaining in force. The county now wishes to include suites 130 and 132, consisting of 3,200 square feet, in the original rental space, making a total of 17,900 square feet. Lessor shall pay up to \$30,000.00 in tenant improvements. It is estimated the cost shall be approximately \$60,000.00 with the lessee paying the balance upon receipt of billing. The original term of the lease shall be extended two additional years from June 1, 2010 to May 31, 2012. The lease term for the new suites (130 and 132) shall be co-terminus with the existing lease and shall be for approximately seven years commencing on May 1, 2005, and terminating on the May 31, 2012. Annual rental cost are as follows:

Suite 134

Year	Rate Per Square Foot	Monthly	Annual Plus Rental Tax
2010-11	\$11.00	\$13,475.00	\$161,700.00
2011-12	\$11.25	\$13,781.25	\$165,375.00

Suite 130, 132

Year	Rate Per Square Foot	Monthly	Annual Plus Rental Tax
2005-06	\$15.32	\$4,085.33	\$49,023.96
2006-07	\$15.82	\$4,218.67	\$50,624.04
2007-08	\$16.32	\$4,352.00	\$52,224.00
2008-09	\$16.82	\$4,485.33	\$53,823.96
2009-10	\$17.32	\$4,618.67	\$55,424.16
2010-11	\$17.82	\$4,752.00	\$57,024.00
2011-12	\$18.32	\$4,885.33	\$58,623.96

The county agrees to pay all NNN charges, which are currently estimated to be \$3.95 per square foot annually. This agreement contains a 90-day termination clause. (C2203111401)

AMENDMENT WITH AREA AGENCY ON AGING FOR CASE MANAGEMENT SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Amendment #1 to the contract between the Area Agency on Aging and the Human Services Department Senior Adult Independent Living Services (SAIL) Program. The purpose of the amendment is to increase the total amount of the contract by \$2,000 (from \$1,271,174 to \$1,273,174). The effective date of the contract remains unchanged (from July 1, 2004 to June 30, 2005). There are no county funds involved for this amendment. (C2205106M01)

CONTRACTS FOR TRAINING AND FACILITATOR SERVICES – WORK INVESTMENT ACT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following contracts with the Maricopa County Human Services Department, Workforce Development Division, for the term of April 1, 2005 to June 30, 2006, to provide training and facilitator

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services for clients of the Workforce Investment Act. There are no county funds involved with this contract.

- a. Right Management Consultants, in the amount of \$325,000. (C2205146100)
- b. Drake, Beam & Morin, Inc., in the amount of \$200,000. (C2205147000)
- c. Andrew Stevens and Associates, in the amount of \$50,000. (C2205148100)
- d. Murro Partners, LLC, in the amount of \$50,000. (C2205149100)
- e. Leathers, Millgan & Associates, in the amount of \$50,000. (C2205151100)

AGREEMENT WITH AZGFD FOR PROJECT AT MCDOWELL MOUNTAIN REGIONAL PARK

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and execute the Cooperative Agreement between Maricopa County Parks and Recreation Department and Arizona Game and Fish Department (AZGFD) to contribute to a project to enhance an existing windmill/watersite at McDowell Mountain Regional Park. (C3005033000)

BID AND AWARD CONTRACT FOR IMPROVEMENTS AT PARKS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize a call for bids and award a contract to the lowest responsible bidder if the bid does not exceed the architect's estimate by more than 10% in connection with the CIP project "Comfort Station Improvements" (Fund 445, Agency 470, Function CSTI), the Major Maintenance Project called "McDowell Park Contact Station" (Fund 100, Agency 480, Function MPCS) and the Park Enhancement Project "Estrella Ramada" (Fund 241, Agency 305). The scope of work for this project includes construction of a family campground restroom with showers and an entry station at McDowell Mountain Regional Park; a family campground restroom with showers at Utery Mountain Regional Park; group picnic restrooms at two popular trailheads at White Tank Mountain Regional Park; and a family picnic restroom and Super Ramada at Estrella Mountain Regional Park. (C3005034500)

LEASE WITH THE CITY OF PHOENIX FOR PARKS AND RECREATION DEPARTMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and execute new Interim Full Service Lease No. L-7374 with the City of Phoenix, an Arizona Municipal Corporation, lessor, for 6,849 square feet of office space at 411 N. Central Avenue, Suite 470, for continued use by the Parks and Recreation Department. The lease term will commence on December 15, 2004, and expire on February 28, 2006. Rent will be \$11,700.38, plus 2.4% tax per month, for the term and for any holdover period. The lease includes 11 covered-reserved and 10 covered-unreserved parking spaces at no additional cost. This lease contains a 30-day termination provision, and a month-to-month holdover provision. (C3005035100)

AGREEMENT WITH NORTHWEST YOUTH CORPS FOR COUNTY PARKS TRAIL SYSTEM

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to renew a five-year Cooperative Agreement with Northwest Youth Corps to enhance the development and maintenance of the County Parks Trail System. (C3099018001)

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RENEW KENNEL PERMITS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the kennel permit renewal for Judy O'Connell, d.b.a. O'Connell Kennels, 11005 E. Vallejo Street, Chandler, AZ 85248, Permit #396, for the term of April 20, 2005 through April 19, 2006. The cost of the kennel permit is \$90. (Supervisorial District 1) (C7905085C00) (ADM2304)

DONATION

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the acceptance of a restricted donation of 300 AVID microchips from David Loftus, President of Pet-Ark, Inc., and CEO of Microchip Express, Bremerton, Washington to Animal Care & Control. The value of the donation is \$1,425. Donation revenue funds are deposited into Fund (573) as they are received. (C7905086700) (ADM2300)

IGA WITH CITY OF MESA FOR ANIMAL SHELTER SERVICES – WITHDRAWN

Item: Retroactively approve an Intergovernmental Agreement (IGA) between the City of Mesa and Maricopa County Animal Care & Control (ACC). Under the agreement, ACC provides the City of Mesa with animal shelter services. The city agrees to pay for shelter services, plus additional costs incurred for court-ordered animal holds, impounded feral cats, and any animal other than a dog or cat as determined in the contract. The term of agreement is from July 1, 2004 through June 30, 2005.

Approve an expenditure and revenue appropriation adjustment of \$62,899.53 for FY 2003-04 (currently annualized at \$62,899.53 for FY 2004-05). IGA revenue is not local revenue for the purpose of the constitutional expenditure limitation, hence this budget adjustment would not alter the budget constraining the expenditure of local revenues. (C7905087200)

(The Clerk announced that the department had withdrawn this item.)

FUND TRANSFERS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

SOLICITATION SERIALS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

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Award of Solicitation Serials

- 04187-S Water Well & HVAC Pump Repair and Overhaul** (\$300,000 estimate/five years, non-renewable). Price agreement for repair and overhaul of water wells and HVAC pumps as requested by the Facilities Management Department.
- Foster Electric-Arizona Pump
 - Weber Group LC
- 04191-RFP Maricopa County Mail Delivery Services and Mail Room Operation** (\$5,000,000 estimate/five years with five one-year renewal options). Contract to provide mail delivery services and mail room operations consisting of inter-office mail, processing of U.S. mail and delivery shuttle services to county facilities as required for county operations.
- Pitney Bowes Management Services

Contract Extensions/Renewals

Extension/renewal of the following contracts (Extensions are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed):

Until April 30, 2006

- 03007-S Data Processing, Computer & Software Services** (\$1,400,000 estimate/one year). Price agreement renewal to provide qualified IT Consultants for ICJIS. All requirements are completed among the various vendors on contract.

Ablest Technology Services
AMBA Solutions, Inc.
Bluecrane, Inc.
Comsys
Coplan and Company
Ecorridor, Inc.
Enterprise Technology Services
Future Trends Technology Management, LLC
Infosol, Inc.
Johnson Staffing, Inc.
Kelly Services
Meridian Technology Group, Inc.
MTG Management Consultants
OSI Consulting, Inc.
Principium, Inc.
Quantumpm, LLC
Resource Management International, Inc.
SoftTech, Inc.
Staff Tech, Inc.
Systems Technology Group, Inc.
Technisource, Inc.

Advanced Internet Security
Alpha Dog Consulting, LLC
Cierra Consulting Company
Consultants in Data Processing
Cyberbest Technology, Inc.
Eumotif, Inc.
Executive Direction, Inc.
Globalsoft Consulting, Inc
Information and Communication Sys.
Keane, Inc.
Law-On-Line, Inc.
MHA Consulting, Inc.
OAO Technology Solutions, Inc
Pragmatica, LLC
Productive Data Solutions
Quovadx, Inc.
Sentinel Technologies, Inc.
Spherion Corporation
Stilwell Software, Inc.
Tech One Staffing
TechObject Corporation

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Torus Business Group, LLC

Until May 31, 2006

- 99021-RFP Inmate Telephone System** (\$4,700,000 revenue estimate/one year). Price agreement renewal to provide for Inmate Telephone Services for MCSO as authorized by state statute. This is a revenue contract.
- Qwest Communications

FINAL SETTLEMENT OF RAFAEL GAXIOLA

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve final settlement of Rafael Gaxiola, et al. v. Maricopa County, et al. CV2004-013891 for \$200,000 as discussed in Executive Session on April 4, 2005. (C7505016100) (ADM409)

AMENDMENT WITH U S WEST (QWEST) TO ADD SERVICE AREAS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the proposed amendment to add seven service areas to the U S West (Qwest) Cable Television License Agreement. In accordance with the Maricopa County Cable Communications Ordinance of December 12, 1988, Qwest has submitted to the county a filing fee of \$2,000 for the requested action. In accordance with Section 5 (H) of the Ordinance, a public hearing to discuss the proposed amendment was held within the proposed service area with no unfavorable comments received. With approval of this license amendment and within three years of the effective date, Maricopa County should reasonably expect a 10% increase in license fees received from Qwest Broadband Services, Inc. (C7699017104)

APPOINTMENT OF TRAVEL REDUCTION PROGRAM DIRECTOR AND ASSISTANT CHAIRMAN

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to appoint Mr. Neil Yockey as Travel Reduction Program Director and Assistant Chairman of the Travel Reduction Program Regional Task Force. (C8505016000) (ADM2358)

REVISE RESOLUTION FOR AIR QUALITY DEPARTMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to revise Section One and Section Two of the Resolution entitled "Resolution to Separate Air Quality Functions from the Environmental Services Department and to Form a Maricopa County Air Quality Department". The Air Quality Department was structured to report to the Chief Health Officer when it was formed on November 17, 2004 (C490501800). As a result of the Public Health Agency reorganization, the department was transferred to the Regional Development Services Agency in January 2005. The revision reflects the current reporting structure. (C8505017000) (ADM2375)

**RESOLUTION TO SEPARATE AIR QUALITY FUNCTIONS
FROM THE ENVIRONMENTAL SERVICES DEPARTMENT
AND TO FORM A MARICOPA COUNTY AIR QUALITY DEPARTMENT**

WHEREAS, Maricopa County is committed to provide a healthful environment for all of its citizens; and

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WHEREAS, air quality is a high priority for Maricopa County to fulfill its commitment to provide a healthful environment for all citizens of the county; and

WHEREAS, regulation of air quality in Maricopa County is currently under the authority of the Maricopa County Environmental Services Department; and

WHEREAS, a segment of county government separate and distinct from the Environmental Services Department is needed to provide necessary resources that will ensure achieving air quality goals in Maricopa County; and

WHEREAS, Arizona Revised Statutes §49-473 B. requires the board of supervisors of a county to authorize or designate an existing department of the county government to carry out the necessary investigations, inspections, and enforcement of any rules and regulations adopted pursuant to this article; and

WHEREAS, regulation and enforcement of air quality is closely aligned with and is supportive to the purpose of the Maricopa County Department of Public Health; and

WHEREAS, the Maricopa County Board of Supervisors is desirous of establishing an air quality department reporting to the Maricopa County Chief Health Officer.

NOW, THEREFORE BE IT RESOLVED By The Board Of Supervisors, Maricopa County (Board) as follows:

SECTION 1. The BOARD establishes the Maricopa County Air Quality Department that shall report to the Assistant County Manager - Regional Development Services of Maricopa County.

SECTION 2. The BOARD withdraws authority granted to the Environmental Services Department under Arizona Revised Statutes §49-473 B. and simultaneously grants such authority, duties and obligations to the Maricopa County Air Quality Department.

DATED this 20TH day of April 2005.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

INCREASE EXPENDITURE BUDGET TO SUPPORT YEAR ONE OF THE DCJC PROJECT BUDGET

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to amend Item F of the action requested on Agenda Item C7005032800 approved on January 5, 2005. Increase the FY 2004-05 General Fund County Improvements (Fund 445) General Government (470) expenditure budget by \$331,854 to support the increase to year one of the Downtown Consolidated Justice Court project budget approved on agenda item C7005018800 on September 15, 2004. The increase in expenditure budget will be partially offset by the decrease to the FY 2004-05 General Fund County Improvements (Fund 445) General Government (470) expenditure budget identified in Items A through E of agenda item C70032800 which total \$214,521. The balance is an overall increase to the

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budget of \$117,233. The expenditure authority made available from the reduction in project SESB previously approved on agenda item C70050308 on December 15, 2004 is available to support this increase. (C7005032801) (ADM800-003)

AGREEMENT WITH TOWN OF WICKENBURG TO PURCHASE FUEL

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and sign an agreement between Maricopa County Equipment Services and the Town of Wickenburg. This agreement allows Maricopa County to buy fuel from the town fueling station. (C7405003200)

LEASE WITH THE CITY OF PHOENIX FOR PLANNING AND DEVELOPMENT DEPARTMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and execute new Interim Full Service Lease No. L-7373 with the City of Phoenix, an Arizona Municipal Corporation, lessor, for 41,966 square feet of office space at 411 N. Central Avenue, Suites 300, 740 and 770, for continued use by the Planning and Development Department. The lease term will commence on December 15, 2004, and expire on July 31, 2005. Rent will be \$67,530.29, plus 2.4% tax per month, through March 31, 2005, and \$62,144.65 commencing April 1, 2005, for each month thereafter for the term and for any holdover period. The lease includes 19 covered-reserved parking spaces, 16 covered-unreserved parking spaces and 30 uncovered-unreserved rooftop spaces along with 107 unreserved surface lot parking spaces. This lease contains a 30-day termination provision, and a month-to-month holdover provision. (C4405017000)

EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

- | | |
|---------------------------------|---|
| A121.011
(TS) | Project No: TT043 - McNeil Street (35th Avenue to 31st Avenue) - Easement and Agreement for Highway Purposes - Parcel No.: 300-15-012D - Moses French, Jr. and Thelma G. French - for the sum of \$10,930.00. |
| A121.011
(TS) | Project No: TT043 - McNeil Street (35th Avenue to 31st Avenue) - Purchase Agreement and Escrow Instructions - Parcel No.: 300-15-012D - Moses French, Jr. and Thelma G. French. |
| A236.007 &
A236.008
(JPM) | Project No: TT046 - 103rd Street (McClellan Street to McKellips Road) - Agreement for Right of Entry - Parcel No.: 220-02-009D, 009C - Roman W. Ulman and Irene A. Ulman - for the sum of \$500.00. |
| A263.007
(JPM) | Project No: TT047 - 33rd Avenue (Irvine Road to Desert Hills Drive) - Easement and Agreement for Highway Purposes - Parcel No.: 203-14-024G - John Sprague and Danette Sprague - for the sum of \$9,074.00. |
| A263.007
(JPM) | Project No: TT047 - 33rd Avenue (Irvine Road to Desert Hills Drive) - Purchase Agreement and Escrow Instructions - Parcel No.: 203-14-024G - John Sprague and |

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Danette Sprague.

- A263.017 (TS) Project No: TT047 - 33rd Avenue (Irvine Road to Desert Hills Drive) - Agreement for Right of Entry - Parcel No.: 203-14-011P - Ricardo Jordan and Elaine Jordan - for the sum of \$500.00.
- A263.017 (TS) Project No: TT047 - 33rd Avenue (Irvine Road to Desert Hills Drive) - Easement and Agreement for Highway Purposes - Parcel No.: 203-14-011P - Ricardo Jordan and Elaine Jordan - for the sum of \$24,800.00.
- A263.017 (TS) Project No: TT047 - 33rd Avenue (Irvine Road to Desert Hills Drive) - Purchase Agreement and Escrow Instructions - Parcel No.: 203-14-011P - Ricardo Jordan and Elaine Jordan.
- A287.001 (CS) Project No: TT047 - Honda Bow (11th Avenue - 7th Avenue) - Agreement for Right of Entry - Parcel No.: 211-22-008 - Clay Chiappini and Donna M. Chiappini - for the sum of \$500.00.
- A287.001 (CS) Project No: TT047 - PM 10 / Honda Bow (11th Avenue to 7th Avenue) - Easement and Agreement for Highway Purposes - Parcel No.: 211-22-008 - Clay Chiappini and Donna M. Chiappini - for the sum of \$40,500.00.
- A287.001 (CS) Project No: TT047 - PM 10 / Honda Bow (11th Avenue to 7th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No.: 211-22-008 - Clay Chiappini and Donna M. Chiappini.
- A287.002 (CS) Project No: TT047 - PM 10 / Honda Bow (11th Avenue to 7th Avenue) - Agreement for Right of Entry - Parcel No.: 211-22-011 - Gary M. Schmertmann and Natalie R. Schmertmann, Trustees - for the sum of \$500.00.
- A287.002 (CS) Project No: TT047 - PM 10 / Honda Bow (11th Avenue to 7th Avenue) Easement and Agreement for Highway Purposes - Parcel No.: 211-22-011 - Gary M. Schmertmann and Natalie R. Schmertmann, Trustees - for the sum of \$58,228.00.
- A287.002 (CS) Project No: TT047 - PM 10 / Honda Bow (11th Avenue to 7th Avenue) Purchase Agreement and Escrow Instructions - Parcel No.: 211-22-011 - Gary M. Schmertmann and Natalie R. Schmertmann, Trustees.
- A306.001 (JPM) Project No: TT028 -186th Avenue (Arlington Road to Rustler Road) - Easement and Agreement for Highway Purposes - Parcel No.: 400-52-200A - Lori Bennet - for the sum of \$3,345.00.
- A306.001 (JPM) Project No: TT028 -186th Avenue (Arlington Road to Rustler Road) - Purchase Agreement and Escrow Instructions - Parcel No.: 400-52-200A - Lori Bennet.
- A306.004 (JPM) Project No: TT028 -186th Avenue (Arlington Road to Rustler Road) - Easement and Agreement for Highway Purposes - Parcel No.: 400-52-998 - Tina Todd, Sean McCoy, and Kimberly McCoy - for the sum of \$7,471.00.

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- A306.004 Project No: TT028 -186th Avenue (Arlington Road to Rustler Road) - Purchase
(JPM) Agreement and Escrow Instructions - Parcel No.: 400-52-998 - Tina Todd, Sean
 McCoy, and Kimberly McCoy.
- A326.009 Project No: TT046 - 103rd Street (McClellan Street to McKellips Road) - Agreement
(JPM) for Right of Entry - Parcel No.: 200-02-009A, 009B - Daniel Kosisky and Nancy
 Kosisky - for the sum of \$500.00.
- DD-9493 Project No: TT028 - Arlington Road (188th Avenue to 186th Avenue) - Easement and
(HH) Agreement for Highway Purposes - Parcel No.: 400-52-213V - SUN MP, LLC - for the
 sum of \$10.00.

TRAFFIC CONTROL CHANGES ON UNINCORPORATED RIGHT-OF-WAYS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following traffic control changes:

- a. **Four-Way Stop** – Elliot Road and Tuthill Road (from a two-way east/west stop). This partially rescinds the Through-Street Resolution on Tuthill Road dated February 13, 1973. (C6405252000) (F23166)
- b. **Four-Way Stop** – Cactus Road and Sarival Avenue (from a two-way east/west stop). This partially rescinds the Through-Street Resolution on Sarival Avenue dated December 15, 1965. (C6405253000) (F23166)
- c. **Four-Way Stop** – MC 85 and Miller Road (from a two-way north/south stop). (C6405254000) (F23166)
- d. **Four-Way Stop** – Ocotillo Road and Greenfield Road (from a two-way east/west stop). This partially rescinds the Through-Street Resolution on Greenfield Road dated November 4, 1969. (C6405255000) (F23166)
- e. **Four-Way Stop** – Peoria Avenue and Litchfield Road (from a two-way east/west stop). This partially rescinds the Through-Street Resolution on Litchfield Road dated October 25, 1937. (C6405256000) (F23166)
- f. **Four-Way Stop** – Peoria Avenue and Reems Road (from a two-way east/west stop). This partially rescinds the Through-Street Resolution on Reems Road dated December 28, 1965. (C6405257000) (F23166)
- g. **Four-Way Stop** – Stardust Boulevard and Heritage Drive/Echo Mesa Drive (from a two-way north/south stop). This partially rescinds the Through-Street Resolution on Stardust Boulevard dated May 22, 1989. (C6405258000) (F23166)
- h. **45 MPH Speed Limit Zone** – Power Road from 1000 feet south of Baseline Road to Guadalupe Road (from a 50 MPH speed limit zone). This rescinds the 50 MPH speed limit zone dated July 3, 1996. (C6405263000) (F23166)

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- i. **One-Way Stop** – Monte Vista Road at 191st Avenue for eastbound traffic. (C6405264000) (F23166)
- j. **No Parking Anytime Zone** – 151st Avenue from Deer Valley Road south for 600 feet (east side only). (C6405265000) (F23166)
- k. **One-Way Stop** – Beardsley Road at Star Ridge Drive for westbound traffic. (C6405266000) (F23166)
- l. **Two-Way Stop** – Paint Your Wagon Trail at 7th Street for eastbound and westbound traffic. (C6405267000) (F23166)
- m. **45 MPH Speed Limit Zone** – Hunt Highway from Dobson Road to Arizona Avenue (SR 87) (from a 50 MPH speed limit zone). This rescinds the 50 MPH speed limit zone dated August 13, 1990. (C6405268000) (F23166)
- n. **50 MPH Speed Limit Zone** – Cotton Lane from MC 85 north to 0.35 miles north of Van Buren Street (from a 55 MPH speed limit zone). This partially rescinds the 55 MPH speed limit zone dated August 10, 1970. (C6405269000) (F23166)
- o. **45 MPH Speed Limit Zone** – Cotton Lane from 0.35 miles north of Van Buren Street to 0.60 miles north of Van Buren Street (from a 55 MPH speed limit zone). This partially rescinds the 55 MPH speed limit zone dated August 10, 1970. (C6405269000) (F23166)
- p. **35 MPH Speed Limit Zone** – Cotton Lane from 0.60 miles north of Van Buren Street to McDowell Road (from a 55 MPH speed limit zone). This partially rescinds the 55 MPH speed limit zone dated August 10, 1970. (C6405269000) (F23166)
- q. **50 MPH Speed Limit Zone** – Cotton Lane from Indian School Road north to Bethany Home Road (from a 55 MPH speed limit zone). This partially rescinds the 55 MPH speed limit zone dated August 10, 1970. (C6405269000) (F23166)
- r. **50 MPH Speed Limit Zone** – Old U.S. 80 from State Route 85 west to 0.75 miles west of Wilson Road (from a 55 MPH speed limit zone). This rescinds the 55 MPH speed limit zone dated November 24, 1975. (C6405270000) (F23166)
- s. **40 MPH Speed Limit Zone** – Old U.S. 80 from 0.75 miles west of Wilson Road to 0.25 miles west of Palo Verde Road (from a 45 MPH speed limit zone). This rescinds the 45 MPH speed limit zone dated November 24, 1975. (C6405270000) (F23166)
- t. **45 MPH Speed Limit Zone** – Old U.S. 80 from 0.25 miles west of Palo Verde Road to 0.10 miles west of Johnson Road/307th Avenue (from a 55 MPH speed limit zone). This rescinds the 55 MPH speed limit zone dated November 24, 1975. (C6405270000) (F23166)
- u. **45 MPH Speed Limit Zone** – Old U.S. 80 from 0.20 miles west of Johnson Road/307th Avenue to Salome Highway (from a 35 MPH speed limit zone). This partially rescinds the 35 MPH speed limit zone dated November 24, 1975. (C6405270000) (F23166)

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- v. **One-Way Stop** – 293rd Avenue at McDowell Road for northbound traffic. (C6405271000) (F23166)
- w. **One-Way Stop** – Tonopah-Salome Highway at 293rd Avenue for westbound traffic. (C6405271000) (F23166)
- x. **One-Way Stop** – 36th Drive at Elliot Road for southbound traffic. (C6405272000) (F23166)

CONTRACTS FOR ON-CALL PLAN REVIEW SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following contracts:

- a. On-Call Consultant Services Contract No. 2005-10 with AMEC Infrastructure, Inc., in an amount not-to-exceed \$250,000, to perform on-call plan review services. The contract is effective for 730 calendar days following the Board of Supervisors' approval or until the expenditure of \$250,000, whichever occurs first. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2005-06 budget. (C6405259500)
- b. On-Call Consultant Services Contract No. 2004-142 with Parsons Brinckerhoff Quade & Douglas, in an amount not-to-exceed \$250,000, to perform on-call plan review services. The contract is effective for 730 calendar days following the Board of Supervisors' approval or until the expenditure of \$250,000, whichever occurs first. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2005-06 budget. (C6405260500)

CONTRACTS FOR ON-CALL CONSTRUCTION ADMINISTRATION SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following contracts:

- a. On-Call Consultant Services Contract No. 2004-141 with Kirkham Michael Consulting Engineers, in an amount not-to-exceed \$250,000, to perform on-call construction administration services. The contract is effective for 730 calendar days following the Board of Supervisors' approval or until the expenditure of \$250,000, whichever occurs first. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2005-06 budget. (C6405261500)
- b. On-Call Consultant Services Contract No. 2005-11 with Consultant Engineering, Inc., in an amount not-to-exceed \$250,000, to perform on-call construction administration services. The contract is effective for 730 calendar days following the Board of Supervisors' approval or until the expenditure of \$250,000, whichever occurs first. (C6405273500)

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ROAD ABANDONMENT (ROAD FILE NO. AB-108)

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) that the following resolution be adopted: (C6405262000)

WHEREAS, pursuant to ARS §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

COMMENCING at the intersection of 71st Drive and Greenway Road as shown on the plat of "Inland Ranchos", a subdivision of said Section 12, recorded in Book 137 of Maps, Page 05, Maricopa County Recorder; Thence Easterly along the centerline of said Greenway Road and North boundary of said Subdivision, North 88°34'28" East a distance of 25 feet to the POINT OF BEGINNING; Thence continue along said centerline a distance of 91.79 feet to the Northeast corner of said Subdivision; Thence along the Northeast boundary of said Subdivision, South 44°12'32" East a distance of 75.36 feet to the Northeast corner of lot 67 of said subdivision; Thence, along the North line of said lot 67, South 88°54'28" West a distance of 131.28 feet to the beginning of a tangent curve to the left, having a radius of 12 feet, a central angle of 90° and an arc length of 18.86 feet to the beginning of a non-tangent line; Thence North 01°05'56" West a distance of 67.01 feet along said non-tangent line to the POINT OF BEGINNING.

WHEREAS, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

WHEREAS, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

NOW, THEREFORE, IT IS ORDERED that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

DATED this 20th day of April 2005.

IGA WITH CITY OF GOODYEAR FOR ROADWAY PROJECT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an IGA between Maricopa County and the City of Goodyear for a county roadway project (Project #T191) that will make improvements to Vineyard Avenue/143rd Avenue from Estrella Parkway to Indian Springs Road. The project will improve access to the Phoenix International Raceway (PIR) and improve mobility throughout the area on the days of major events at PIR. The city agrees to participate in plan review and to assume ownership as well as operation and maintenance responsibilities for the road after project completion. The city is not a financial partner in the roadway project. A previous agreement between Maricopa County and the State of Arizona, approved by the Board of Supervisors on December 15, 2004, provides financing for the roadway project of \$5,000,000 in state transaction privilege tax funds to be paid to the county over a 12-year period. There are no additional project costs associated with the current agreement. (C6405274200)

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BRIDGE CONSTRUCTION AND ACCESS EASEMENT FOR CROSSING BEARDSLEY CANAL

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the bridge construction and access easement granted by Maricopa County Municipal Water Conservation District Number One, an irrigation and water conservation district, a municipal corporation and a political subdivision of the State of Arizona ("MWD") to Maricopa County. The easement is for the crossing of the Beardsley Canal along the Dysart Road alignment and along the North El Granada Boulevard alignment. The bridge construction and access easement is granted at no cost to Maricopa County. This item was continued from April 6, 2005. (C6405276000) (ADM2007-001)

CHANGE ORDER WITH AMEC INFRASTRUCTURE, INC., FOR ADDITIONAL FIELD WORK

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Change Order No. 26 to Contract No. CY 1999-47 with AMEC Infrastructure, Inc., in an amount not to exceed \$57,680, for additional research, field work, and calculation time to determine additional corners for Phases 3H2 and 3I2, on MCDOT Project No. 69012 - T013 GDACS. This change order will increase the total contract amount by \$57,680 for a revised contract amount of \$1,588,857. (C6499301527)

APPOINTMENT OF GLENDALE JUSTICE COURT CONSTABLE

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to appoint Leonard McCloskey, Constable, Glendale Justice Court. Pursuant to A.R.S. 16-230 Mr. McCloskey's term shall be effective April 21, 2005, and will fill the unexpired term which ends December 31, 2006. (ADM1301)

Chairman Wilson noted Mr. McCloskey's qualifications and the skills he brings to Maricopa County. Mr. McCloskey was then sworn in by Judge Toby and signed his official oath of office before the Board. He expressed his appreciation to the Board for appointing him constable.

APPOINTMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following appointments:

- a. Employee Suggestion Merit Award Board – Appoint Ms. Candace W. Steill, whose term is from Board of Supervisors' approval through December 31, 2007, serving at the pleasure of the Board. (ADM3333-001)
- b. Board of Equalization – Correct the term expiration date to December 31, 2008 for Mr. Gilbert Romero (action taken on March 23, 2005). (ADM4908-001)

HEARING SET – ROAD FILE DECLARATION

Petition has been filed for declaration of the following road into the county highway system. Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to set a hearing for 9:00 a.m., Wednesday, May 18, 2005, on Road File No. A337. In the vicinity of Clarendon Avenue. (C6405248B00)

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HEARING SET - PLANNING AND ZONING CASES

No planning and zoning cases were presented at this time.

OFFICIAL APPOINTMENTS

Joe G. Arredondo, Constable, thanked the Supervisors for all the support regarding the appointment of deputy constables. He said, "I see this as a chance for the Constables to become more professional." Mr. Arredondo commented that he would like to see policies and procedures in place for the Deputy Constables. He said Chris Pinuelas would pursue this task and do some research to write up some policies to present to the Board. █

Supervisor Brock took the opportunity to thank Mr. Arredondo and said he appreciated all the efforts, professionalism, and hard work the Constables do with the Justice Courts.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following Official Appointments:

- a. Jean Mueller as Deputy Recorder
- b. Joseph MacKenzie as Deputy Constable, serving the Northeast Regional Court Center (ADM1302-001)
- c. Vaughn Green as Deputy Constable, serving the Northwest Regional Court Center (ADM1302-001)
- d. Gary Wilson as Deputy Constable, serving the Chandler Phase 1 Regional Court Center (ADM1302-001)
- e. Gilbert Trejo as Deputy Constable, serving the Downtown, East Phoenix No. 2 Regional Court Center (ADM1302-001)
- f. Ronald Ayers as Deputy Constable, serving the Southeast Regional Court Center (ADM1302-001)
- g. Charles Peers as Deputy Constable, serving the Downtown Regional Court Center (ADM1302-001)

ARIZONA POLLUTION CONTROL CORPORATION

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to adopt a resolution approving the proceedings of Maricopa County, Arizona Pollution Control Corporation for the issuance of not-to-exceed \$160,000,000 Maricopa County, Arizona Pollution Control Corporation Pollution Control Refunding Revenue Bonds (El Paso Electric Company, Palo Verde Project) 2005 Series A, 2005 Series B and 2005 Series C. Resolution on file in the Clerk's Office. (ADM5134)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF MARICOPA, ARIZONA, APPROVING THE ISSUANCE BY
MARICOPA COUNTY, ARIZONA POLLUTION CONTROL
CORPORATION OF POLLUTION CONTROL REFUNDING REVENUE
BONDS (EL PASO ELECTRIC COMPANY PALO VERDE PROJECT)
2005 SERIES A, 2005 SERIES B and 2005 SERIES C

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ASRS CLAIMS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. (ADM3309-001)

EMPLOYEE	TOTAL EMPLOYER COST
Deanna Chariet	\$10,512.46
Penny Domzalski	\$25,353.74
Barbara Flusche	\$1,436.12
Marcela Hinojos	\$18,278.01
Mary Jean Mazzarella	\$24,392.76
Anita Simmons	\$3,618.69
Janet Eiser	\$50,298.54
Maria Kinlen	\$25,745.57
Karen Toot-Cheney	\$32,377.32
Arva Kortum	\$21,955.86
Cory Hove	\$28,238.21
Doreen Himmes	\$23,645.47
Frances Miller	\$1,083.94
Belle Hudson	\$6,012.05

ASRS CLAIMS CORRECTION

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to correct the action taken on March 9, 2005 and amend the minutes to reflect the corrected claim amount of \$15,399.13 for employee Mike Fusselman. (ADM3309-001)

CANVASS OF ELECTIONS

No election canvasses were presented at this time.

CHECK ENFORCEMENT FUND QUARTERLY REPORT

Pursuant to A.R.S. §13-1811(F) County Bad Check Trust Fund, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the quarterly financial reports of all revenues and expenditures from the Check Enforcement Fund for the periods of July 2004 through March 2005. (ADM404-001)

CLASSIFICATION CHANGES

No classification changes were presented at this time.

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COMPROMISES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session on April 4, 2005). (ADM407)

Aiassa, Robert	\$1,500.00	Lim, Rita	\$5,000.00
Bang, Won II	\$33,000.00	Maguire, Brandon C.	\$1,000.00
Brown, Cloyde	\$10,000.00	Martin, Rufina	\$5,000.00
Conradson, Talley	\$22,500.00	Martinez, Anna	\$2,769.86
DeLaTorre, Julia	\$2,084.67	Martinez, Gabriel	\$3,485.23
DeLaTorre, Miguel	\$40.92	Riggins, Tatianna	\$2,045.62
DeLaTorre, Teresa	\$1,871.47	Sanford, Joe	\$5,000.00
Garcia, Manual	\$1,100.00	Stahle, John	\$1,000.00
Hunter, Lynn	\$4,000.00	Uptain, Leslie	\$6,500.00

COUNTY TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the Treasurer's Statement of Collections and Investment summary reports for March 2005 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4006)

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Nancy Ann Weed	640070401	Jury service	\$32.01
Nancy Ann Weed	640072344	Jury service	\$96.03
Deborah Jo Ameelyenah	640058534	Jury service	\$70.35
George Bancroft	640058197	Jury service	\$36.42
Valli Ann Goodwin	640062378	Jury service	\$26.49
Valli Ann Goodwin	640063930	Jury service	\$52.98
Judith Wade	250002178	Expense	\$66.13
Joseph Kroboth	250054873	Expense	\$307.52
Eugene Leafy	250052496	Expense	\$335.74

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
Raul Ortiz	Treasurer	150165209	\$40.66
Lucille Thompson	Superintendent	410112829	\$41.41
Michael Jensen	TUHSD #214	150057629	\$293.22

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Salpoint High School	Agua Fria UHSD #216	216559029	\$60.00
Tess Alteration & Dry Cleaning	Agua Fria UHSD #216	216560578	\$972.00
Debra Goodman	Queen Creek SD #95	150090877	\$68.52
Freedom Construction	EVIT #401	450100564	\$2,000.00
Lynne Misztal	Osborn SD #8	450105123	\$105.00
Thomas Jenkins	BUHSD #20	150071867	\$215.75
Lucille Thompson	Superintendent	440112817	\$206.54
R&D Aero Technologies	Gila Bend SD	45103661	\$7,500.00
Upward Foundation	Littleton SD	450099367	\$4,812.00
Maria G DeArce	Queen Creek SD #95	150090778	\$356.26
Lynn M Truby	FHUSD	98533332	\$502.72
Tammy Brewer	Tolleson Elem SD #17	450088618	\$95.50

MINUTES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the minutes of the Board of Supervisors meetings held March 23, 2005.

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated April 6, 2005, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve request from the Assessor for correction of the Secured Tax Rolls. (ADM705)

Tax Roll	From Resolution No.	Net Result
1999	33574	-\$1,389.25

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the settlement of tax cases dated April 20, 2005. (ADM704)

2001/2002/2003	TX 04-000186
TX 04-000496	TX 04-000276
2003/2004	TX 04-000277
TX 03-000596	TX 04-000351
TX 03-000690	2004/2005
2004	TX 03-000739
CV 03-023688	2005

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ST 04-000046
ST 04-000296
TX 03-000618
TX 04-000046
TX 04-000052
TX 04-000153

ST 04-000118
ST 04-000170
TX 04-000443
TX 04-000703
TX 04-000717

STALE DATED WARRANTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

NAME	AMOUNT
Rita Jane McGuire	\$100.00

TAX ABATEMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve requests for tax abatements from the Treasurer's Office. [Clerk's Note: This is not an official part of the minutes, see the minutes of November 16, 2005 correcting typographical errors to Tax Abatements.] (ADM708)

Parcel #	Year	Proposed Abatement	Parcel #	Year	Proposed Abatement
104-08-002Y	2000	\$43.99	304-56-010D	2004	\$567.54
104-08-002Y	2001	\$28.50	303-07-014	1997	\$1,473.93
104-08-002Y	2002	\$34.70	303-07-015	1998	\$1,063.28
104-08-002Y	2003	\$30.45	303-07-016	1999	\$500.80
104-08-002Y	2004	\$13.08	176-11-030B 6	2001	\$13,320.31
142-05-054B	1998	\$411.08	176-11-030B 6	2002	\$12.63
142-05-054B	1999	\$336.90	176-11-030B 6	2003	\$10.54
142-05-054B	2000	\$299.24	176-11-030B 6	2004	\$8.90
142-05-054B	2001	\$225.51	176-11-029B 5	2001	\$9,628.54
159-54-003E	1991	\$110.21	176-11-029B 5	2002	\$12.63
159-54-003E	1992	\$75.41	176-11-029B 5	2003	\$10.54
159-54-003E	1993	\$96.81	176-11-029B 5	2004	\$8.90
159-54-003E	1994	\$68.25	159-54-008	1993	\$10.52
159-54-003E	1995	\$65.05	159-54-008	1994	\$10.44
159-54-003E	1996	\$61.42	159-54-008	1995	\$11.03
159-54-003E	1997	\$56.76	159-54-008	1996	\$11.22
159-54-003E	1998	\$52.19	159-54-008	1997	\$11.48
159-54-003E	1999	\$47.20	159-54-008	1998	\$11.18

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159-54-003E	2000	\$41.82	159-54-008	1999	\$75.34
159-54-003E	2001	\$37.56	159-54-008	2000	\$43.36
159-54-003E	2002	\$33.67	159-54-008	2001	\$37.56
159-54-003E	2003	\$28.55	159-54-008	2002	\$58.89
159-54-003E	2004	\$11.26	159-54-008	2003	\$13.22
403-02-013A	1993	\$187.33	159-54-008	2004	\$11.26
403-02-013A	1994	\$168.76	153-18-012A	1998	\$3,306.56
403-02-013A	1995	\$177.13	153-18-012A	1999	\$2,723.99
403-02-013A	1996	\$124.89	139-33-130A	1997	\$8,445.82
403-02-013A	1997	\$109.41	109-20-045B	1998	\$11,554.73
403-02-013A	1998	\$93.32	109-20-045B	1999	\$9,277.38
403-02-013A	1999	\$104.78	109-20-045B	2000	\$7,264.15
403-02-013A	2000	\$68.43	109-20-045B	2001	\$6,662.12
107-21-123C	1993	\$1,204.65	142-05-054C	1998	\$30,801.59
107-21-123C	1994	\$1,246.48	142-05-054C	1999	\$27,843.01
107-21-123C	1995	\$596.08	142-05-054C	2000	\$22,371.30
107-21-123C	1996	\$543.90	142-05-054C	2001	\$19,944.03
107-21-123C	1997	\$520.17	142-05-054B	1998	\$411.08
107-21-123C	1998	\$529.39	142-05-054B	1999	\$336.90
107-21-123C	1999	\$452.45	142-05-054B	2000	\$299.24
107-21-123C	2000	\$364.72	142-05-054B	2001	\$225.51
107-21-123C	2001	\$317.74	304-56-011D	2003	\$1,532.56
107-21-123C	2002	\$274.06	304-56-011D	2004	\$516.87
107-21-123C	2003	\$240.00	104-08-002Y	1992	\$122.56
107-21-123C	2004	\$403.37	104-08-002Y	1993	\$85.35
505-48-158	2001	\$411.54	104-08-002Y	1994	\$76.44
403-02-013C	1993	\$187.33	104-08-002Y	1995	\$99.57
403-02-013C	1994	\$168.76	104-08-002Y	1996	\$64.40
403-02-013C	1995	\$177.13	104-08-002Y	1997	\$57.47
403-02-013C	1996	\$124.89	104-08-002Y	1998	\$55.06
403-02-013C	1997	\$109.41	104-08-002Y	1999	\$47.97
403-02-013C	1998	\$93.32	506-22-001	1999	\$2,871.31
403-02-013C	1999	\$104.78	506-22-001	2000	\$2,632.74
403-02-013C	2000	\$83.63	506-22-001	2001	\$2,005.62
403-02-013C	2001	\$71.27	506-22-001	2002	\$2,175.11
403-02-013B	1993	\$187.33	506-22-001	2003	\$1,931.90
403-02-013B	1994	\$168.76	506-22-001	2004	\$1,632.57
403-02-013B	1995	\$177.13	104-08-002X	1992	\$103.69
403-02-013B	1996	\$124.89	104-08-002X	1993	\$78.35
403-02-013B	1997	\$109.41	104-08-002X	1994	\$76.44
403-02-013B	1998	\$93.32	104-08-002X	1995	\$74.57

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403-02-013B	1999	\$104.78	104-08-002X	1996	\$64.40
403-02-013B	2000	\$83.63	104-08-002X	1997	\$57.47
403-02-013B	2001	\$75.67	104-08-002X	1998	\$55.06
403-02-013A	1993	\$187.33	104-08-002X	1999	\$47.97
403-02-013A	1994	\$168.76	104-08-002X	2000	\$4.40
403-02-013A	1995	\$177.13	104-08-002X	2001	\$38.50
403-02-013A	1996	\$124.89	104-08-002X	2002	\$34.70
403-02-013A	1997	\$109.41	104-08-002X	2003	\$30.45
403-02-013A	1998	\$93.32	104-08-002X	2004	\$13.08
403-02-013A	1999	\$104.78	105-56-059	1998	\$3,178.78
403-02-013A	2000	\$68.43	105-56-059	1999	\$3,286.78
403-02-013A	2001	\$55.51	105-56-059	2000	\$2,795.21
304-56-010D	2003	\$91.23	105-56-059	2001	\$2,336.59

WRITE-OFFS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the requested write-offs for accounting purposes only for the following cases: (Discussed in Executive Session held April 4, 2005). (ADM407)

Andreasen, Warner	\$96,478.41	Arrowwood, Ryan	\$11,149.76
Arrowwood, Barbara	\$3,872.14		

PUBLIC COMMENT

No member of the public came forward to speak at this time (ADM605)

SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Brock said that Maricopa County is teaming-up with Tempe in an effort to help keep Maricopa County clean. Volunteers from ASU, City of Tempe and City of Scottsdale are needed to help clean up the county island in the river bottom, north of the 202 bridge on Saturday April 30. Mr. Brock said any help will be greatly appreciated and encouraged everyone to continue to help keep Maricopa County clean. (ADM606)

Supervisor Stapley congratulated friends and colleagues of Catholic denomination for the newly appointed Pope.

CODE ENFORCEMENT REVIEW

Robert and Cynthia McPeters – This is the time for the review of the Hearing Officer's Order of Judgment in the Zoning Code Violation Case No. V2001-00868, Robert and Cynthia McPeters. This hearing continued from October 8, 2003, November 5, 2003, January 7, 2004 and April 7, 2004. (ADM3417-021)

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Darren Gerard presented the case listed above. Mr. Gerard indicated that this case was presented to the Board one year ago and at the time; the Board had determined the Hearing Officer was correct. However, after reviewing the case and noticing a related zone change to the property and a sunset clause for one year, motion was made to continue the code enforcement for one year. Mr. Gerard said the year was up and staff had confirmed that the site was in compliance with the zoning ordinance. He urged the Board to move forward and uphold the officer's decision and forgive the fines associated with the decision.

Robert McPeters, citizen, stepped forward to speak in favor. Mr. McPeters said he had been working actively on this project to meet the zoning compliance and asked that the fines for this case be dropped.

Expressing his appreciation to Mr. McPeters and the staff for their patience and diligence in bringing this case to compliance, motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to uphold the Hearing Officer's decision and forgive all fines.

PLANNING AND ZONING AGENDA

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Deputy County Administrator, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA DETAIL:

- | | | |
|-----------|-------------------|---|
| 1. | Z2004-101 | District 4 |
| | Applicant: | Dave Maguire for Land Solutions Perryville, LLC, Element Homes, and Standard Pacific Homes |
| | Location: | East of the Perryville Road alignment, between Camelback Road and Bethany Home Road (in the west Glendale/Goodyear area). |
| | Request: | Modification of Stipulation "I" of Z2002-107 for the purpose of extending the zoning sunset by a period of one year for Savannah (approx. 159.32 gross acres) |

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2004-101, subject to the following stipulations "a" through "r". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall be consistent with the zoning exhibit entitled "Zoning Exhibit for Savannah", consisting of three (3) full-size sheets, dated revised February 17, 2005, stamped by the engineer February 17, 2005, and stamped received February 18, 2005, except as modified by the following stipulations.
- b. Development of the site shall comply with the narrative report entitled "A Rezoning Exhibit, Savannah, A Residential Neighborhood", consisting of seven (7) pages plus exhibits, dated revised February 15, 2005 and stamped received February 18, 2005, except as modified by the following stipulations.
- c. Concurrent with the submittal of a final plat for any portion or phase of this development, final infrastructure plans, including a final landscape plan, is to be submitted to the One

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Stop Shop for review and approval, said approval to occur prior to the recordation of any final plats for this subdivision.

- d. Prior to zoning clearance, the applicant shall dedicate an ultimate 65' half-width for Perryville Rd. adjacent to the site.
- e. All interior streets within the proposed development are to be constructed to minimum County standards.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way. All landscaping shall comply with Chapter 9 of the MCDOT Roadway Design Manual.
- g. The applicant shall comply with all applicable federal, state and local laws regarding historic preservation and endangered species habitat loss mitigation.
- h. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- i. The master developer shall notify future homebuyers that they are located within the state-defined "territory of a military airport" with the following language:

"You are buying a home or property in the "vicinity of a military airport" as described by State of Arizona Statute A.R.S. 28-8481. Your house should include sound attenuation measures as directed by state law. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

"Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight areas.

"Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

"Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

"For further information, please check the Luke Air Forces Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning Department.

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Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than 8-1/2 inch by 11 inch sign, and be included on all covenants conditions and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- j. DELETED
- k. Prior to final plat approval the applicant shall provide a will-serve letter from Rural/Metro Fire Department or another acceptable fire protection service provider.
- l. Zoning approval is conditional pending the adequate provision of water and wastewater services to the project. If a final plat is not approved within two THREE years of the original zoning approval by the Board of Supervisors, the Commission can consider reversion of the zoning back to Rural-43 in accordance with the Maricopa County Zoning Ordinance. Any request for extension must be received at least six months before the expiration date.
- m. Major changes to this plan of development (the site plan and narrative report), shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors, following recommendation by staff, as well as the Commission. Minor changes to the Plan of Development may be administratively approved by the staff of the Planning and Development Department.
- n. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- o. As of the date of this report, there is no comprehensive plan for providing centralized wastewater collection and treatment facilities for this project, or the general area around it. The applicant shall participate in the initial construction of a regional wastewater solution approved by the Maricopa County Environmental Services Department.
- p. The northern row of housing, and the two easternmost rows of housing shall be limited to one-story in height.
- q. The applicant agrees and understands he shall not assert vested rights under this approval.
- r. Prior to final plat approval or issuance of a grading permit, the developer shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site. This information shall be included in the narrative report for the final plat and the associated public report for the subdivision. The final plat shall contain a note referencing the will serve letter.

Darren Gerard outlined the Commission action on this item. There were no speakers.

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Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "r."

2. Z2004-118 District 4

Applicant: LVA Urban Design Studio, LLC

Location: Northwest of the proposed Vistancia Boulevard and Happy Valley Road alignments (in the north Peoria area).

Request: Rezone from Rural-43 to R-2 RUPD for Coldwater Ranch (approx. 2.11 gross acres)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2004-118, subject to the following stipulations "a" through "e". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall be in conformance with the narrative report entitled "Coldwater Ranch Rezoning Application", consisting of 12 pages plus attachment, dated (revised) February 7, 2005 and stamped received February 9, 2005.
- b. Development of the site shall be concurrent with or subsequent to the development of Coldwater Ranch Unit 1.
- c. No residential construction shall occur on the subject property until after the infrastructure construction of Unit 1 of Coldwater Ranch is completed.
- d. The subject property shall be annexed into the coldwater Ranch Homeowner's Association (HOA) prior to any residential development. Maintenance of the open space within the subject site shall be the responsibility of the HOA.
- e. Final grading, drainage and paving plans, in conjunction with a final drainage report must be reviewed and approved by the Drainage Review Division of the Planning and Development Department to ensure consistency with the preliminary drainage report and preliminary grading and paving plans. The final drainage report must include computed water surface elevations for the runoff on-site. The grading and drainage plans must include typical lot details in plan and profile view reflecting high and low outfall points, pad elevations, finished floor elevations, and local on-lot drainage conditions. Drainage improvements are considered to be part of the required infrastructure for this development. These features must be fully operational prior to the release of a final drainage clearance.

Darren Gerard outlined the Commission action on this item. There were no speakers.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (3-0-1-1) (Supervisor Kunasek abstained because of a conflict of interest) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "e."

REGULAR AGENDA DETAIL:

3. Z2004-055 District 4

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Applicant: Vic Pilar PE of CMX, Inc.
Location: Southwest of El Mirage Road and Maryland Avenue (in the west Glendale area).
Request: Rezone from Rural-43 to R1-10 RUPD for Riverside Estates (approx. 39.39 gross acres)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2004-055, subject to the following stipulations "a" through "n". Commissioner Barney seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall be in substantial conformance with the zoning exhibit entitled "Preliminary Plat for Riverside Estates" consisting of three (3) full-size sheets prepared by CMX, LLC, dated January 14, 2005, stamped by the registered engineer February 17, 2005, and stamped received February 18, 2005, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Riverside Estates", consisting of thirty-seven (37) pages plus attachments, prepared by CMX, LLC, dated revised February 18, 2005 and stamped received February 18, 2005, except as modified by the following stipulations.
- c. Landscaping of the site shall be in general conformance with the landscape plan entitled "Preliminary Landscape Plan – Riverside Estates" consisting of five (5) full-size sheets prepared by The McGough Group, stamped by the registered landscape architect March 7, 2005, and stamped received March 8, 2005, except as modified by the following stipulations.
- d. The following MCDOT stipulations shall be met:
 - i. Dedication of additional rights-of-way to bring the total half-width dedication to 65' on Dysart Road, and 40' on Maryland Avenue shall occur with the final plat.
 - ii. All interior streets shall be constructed to minimum County standards, except in regard to minimum pavement width and minimum private street tract width.
 - iii. Prior to the issuance of building permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping and other improvements in the right-of-way.
- e. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- f. The master developer shall notify future homeowners that they are located within the State-defined "Territory in the Vicinity of a Military Airport" with the following language:

"You are buying a home or property in the "vicinity of a military airport" as described by State of Arizona statute A.R.S. §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

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"Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight areas.

"Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

"Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

"For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted prominently on the front door of all home sales offices and model homes on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- g. All habitable buildings constructed within this project shall be constructed with a minimum R18 exterior wall assembly, a minimum of R30 roof and ceiling assembly, dual-glazed windows and solid wood, foam-filled fiberglass or metal doors to the exterior to achieve a maximum interior noise level of 45 decibels.
- h. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility related ground equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- i. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- k. Relief from the RUPD development standards may not be granted except with Variance approval by the Maricopa County Board of Adjustment.
- l. Not less than 304,381 square feet (6.98 acres) shall be set aside for retention and open space, exclusive of Tract "B" as shown on the above referenced site plan. Such areas

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shall be made available to future residents for landscaping, recreation, and parks and shall be dispersed in a manner generally consistent with the above referenced plans.

- m. Non-compliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, non-compliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action to revert zoning back to Rural-43.
- n. Major changes to the RUPD plan (zoning exhibit and narrative report), or the conditions of approval, shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.

Darren Gerard outlined the Commission action on this item. Mr. Gerard said he received 3 letters of opposition. He called the Board's attention to a handout and read the revised stipulations to "d" and "i".

Alison Bowns, citizen, stepped forward to speak in opposition. Ms. Bowns expressed her concern about the high density development around her area and the problems the schools and law enforcement are facing due to the lack of infrastructure. Ms. Bowns asked for consideration to preserve some of this land from high density housing.

William Welsch, citizen, stepped forward to speak in opposition. Mr. Welch commented that everyone was overlooking the main issue the water supply. He argued that rezoning this land will increase the number of people using the water, forcing him to dig deeper into his well for his water supply; costing him more money out of his pocket.

Chairman Wilson asked if Mr. Welch was aware that a water company will supply water to these new residential areas. Mr. Welch said he was aware of this.

Robert Pizorno, representing the applicant, came forward to inform the Board that the applicant has been diligently working with the adjacent property owners and has sent out letters in response to individuals expressing interest in this project. He also reported that the applicant is working on paving their half of the road on Maryland, to meet county standards.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "n." With revised language to stipulations "d" and "i" amended as follows:

- d. The following MCDOT stipulations shall be met:
 - i. Dedication of additional rights-of-way to bring the total half-width dedication to 65' on ~~Dysart~~ El Mirage Road, and 40' on Maryland Avenue shall occur with the final plat.
 - ii. All interior streets shall be constructed to minimum County standards, ~~except in regard to minimum pavement width and minimum private street tract width.~~

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- iii. Prior to the issuance of building permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping and other improvements in the right-of-way.
- I. Not less than ~~304,384~~ 303,000 square feet (~~6.98~~ 6.96 acres) shall be set aside for retention and open space, exclusive of Tract "B" as shown on the above referenced site plan. Such areas shall be made available to future residents for landscaping, recreation, and parks and shall be dispersed in a manner generally consistent with the above referenced plans.

4. **Z2004-122 District 4**
 Applicant: Champion Partners, LLC
 Location: Northwest of Dysart Road and Camelback Road (in the west Glendale area).
 Request: Rezone from C-O CUPD to C-S CUPD for Camelback Plaza at Veranda Commons (Approx. 0.91 gross acres)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2004-122, subject to the following stipulations "a" through "i". Commissioner Barney seconded the motion, which passed with a unanimous vote of 7-0.

- a. Compliance with all existing stipulations for case Z2003085, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial compliance with the zoning exhibit entitled "Camelback Plaza @ Dysart", consisting of one (1) full-size sheet, dated revised March 4, 2005, and stamped received March 8, 2005, except as modified by the following stipulations.
- c. Development and use of the site shall comply with the narrative report entitled "Narrative Report for Rezoning of a portion of the NWC Camelback and Dysart Veranda Commons" consisting of ten (10) pages including exhibits, dated December 6, 2004, and including "Addendum #1 – Narrative Report Plan for Rezoning of a portion of the NWC Camelback & Dysart Veranda Commons" consisting of two (2) pages, dated March 7, 2005 and stamped received March 8, 2005, except as modified by the following stipulations.
- d. Prior to zoning clearance for the site, updated architectural details, elevations, landscaping plans and signage package are to be submitted for approval by the Planning and Zoning Division of the Planning and Development Department.
- e. Prior to zoning clearance, the following MCDOT stipulations shall be met:

The County is widening the Dysart Road Colter Bridge for three through lanes for each direction. Preliminary design plans are available for the bridge.

The applicant shall construct ultimate half-width street improvements (three through lanes, curb, gutter, sidewalk, and medians) and the southbound right turn lane on Dysart

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Road, as shown on plan sheet A-101, dated 12-6-2004. Plans must be compatible with the county bridge plans.

The applicant shall construct the "Colter Street Driveway" to accommodate future signalization (minimum 40-foot opening).

- f. Prior to zoning clearance, the following Flood Control District stipulations shall be met:

The area of Colter Channel located on the adjacent property to the north of Veranda Commons, may not be encroached or developed without first applying for and receiving a Floodplain Use Permit from the Regulatory Division of the Flood Control District.

- g. Prior to any construction, the applicant shall obtain the necessary construction permits from the Maricopa County Planning and Development Department.
- h. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- i. Major changes to this plan of development (the zoning exhibit and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- j. Noncompliance with the plan of development (the zoning exhibit and narrative report) and conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- k. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- l. Animals shall be kept within a completely enclosed building, which shall be constructed and maintained as to prevent objectionable noise and odor outside the walls of the building. The open space located immediately west of Office C shall not be used for the keeping of animals.

Darren Gerard outlined the Commission action on this item and made a recommendation for a change to stipulation "e."

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "l." With revised language to stipulation "e."

- e. Prior to zoning clearance, the following MCDOT stipulations shall be met:

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The applicant shall provide right-of-way as shown per site plan referenced in stipulation 'b' above (Sheet A101), within six (6) months of approval or prior to zoning clearance whichever occurs first.

The applicant shall construct ultimate half-width street improvements (three [3] through lanes, curb, gutter, sidewalk, and medians), the southbound right turn lane on Dysart Road, and right turn deceleration lanes as shown per site plan referenced in stipulation 'b' above (Sheet A101). Plans must be compatible with the County bridge plans. The applicant may phase street improvements as approved by MCDOT.

~~The County is widening the Dysart Road Colter Bridge for three through lanes for each direction. Preliminary design plans are available for the bridge.~~

~~The applicant shall construct ultimate half-width street improvements (three through lanes, curb, gutter, sidewalk, and medians) and the southbound right turn lane on Dysart Road, as shown on plan sheet A-101, dated 12-6-2004. Plans must be compatible with the county bridge plans.~~

The applicant shall construct the "Colter Street Driveway" to accommodate future signalization (minimum thirty-five [35] foot opening). ~~(minimum 40 foot opening).~~

All landscaping within Maricopa County right-of-way must meet criteria specified in MCDOT Roadway Design Manual, Chapter 9.

5. **Z2004-124 District 4**
 Applicant: Champion Partners, LLC
 Location: Northwest corner of Dysart Road and Camelback Road (in the west Glendale area).
 Request: Major Amendment to Plan of Development for Camelback Plaza at Dysart and Veranda Commons (approx. 19.88 gross acres)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2004-124, subject to the following stipulations "a" through "l". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 7-0.

- a. Compliance with all existing stipulations for case Z2003-085, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial compliance with the site plan entitled "Camelback Plaza @ Dysart", consisting of one (1) full-size sheet, dated revised March 4, 2005, and stamped received March 8, 2005, except as modified by the following stipulations.
- c. Development and use of the site shall comply with the narrative report entitled "Narrative Report Plan of Development/Major Amendment for Camelback Place at Dysart and Veranda Commons," consisting of twelve (12) pages, dated December 6, 2004, and including "Addendum #1 – Narrative Report Plan of Development/Major Amendment for NWC Camelback & Dysart Veranda Commons," consisting of two (2) pages, dated March

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7, 2005 and stamped received March 8, 2005, except as modified by the following stipulations.

- d. Prior to zoning clearance for the site, updated architectural details, elevations, landscaping plans and signage package are to be submitted for approval by the Planning and Zoning Division of the Planning and Development Department.
- e. Prior to zoning clearance, the following MCDOT stipulations shall be met:

Provide right-of-way as shown per site plan dated Dec. 7, 2004 (A101).
Construct ultimate half street improvements (three lanes, curb, gutter, sidewalk, and medians) on both Camelback and Dysart Roads (Phase 1).

Construct right-turn deceleration lanes as shown on sheet A101.

All landscaping within Maricopa County right-of-way must meet criteria specified in the MCDOT Roadway Design Manual, Chapter 9.
- f. Prior to zoning clearance, the following Flood Control District stipulations shall be met:

Any construction or encroachment into Colter Channel, owned by the Flood Control District, or any increase of flow into Colter Channel will require a Right-of-Way Permit from the Right-of-Way Section of the Flood Control District.
- g. Prior to any construction, the applicant shall obtain the necessary construction permits from the Maricopa County Planning and Development Department.
- h. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- i. Major changes to this plan of development (the site plan and narrative report) shall be process as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- j. Noncompliance with the plan of development (the site plan and narrative report) and conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- k. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- l. After zoning approval, but prior to development of the site, the developer or his representative is required to obtain a drainage clearance in conjunction with a building permit.

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Darren Gerard outlined the Commission action on this item and indicated that the revision to stipulation "e", stipulation changes read in item No. 4 (case Z2004-122), would also apply to this case.

Bill Allison, Gallagher & Kennedy, stepped forward to speak in favor and agreed to the changes to the stipulations.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "l." With revised language to stipulation "e."

- e. Prior to zoning clearance, the following MCDOT stipulations shall be met:

The applicant shall provide right-of-way as shown per site plan referenced in stipulation 'b' above (Sheet A101), within six (6) months of approval or prior to zoning clearance whichever occurs first.

The applicant shall construct ultimate half-width street improvements (three [3] through lanes, curb, gutter, sidewalk, and medians), the southbound right turn lane on Dysart Road, and right turn deceleration lanes as shown per site plan referenced in stipulation 'b' above (Sheet A101). Plans must be compatible with the County bridge plans. The applicant may phase street improvements as approved by MCDOT.

~~The County is widening the Dysart Road Colter Bridge for three through lanes for each direction. Preliminary design plans are available for the bridge.
The applicant shall construct ultimate half-width street improvements (three through lanes, curb, gutter, sidewalk, and medians) and the southbound right turn lane on Dysart Road, as shown on plan sheet A-101, dated 12-6-2004. Plans must be compatible with the county bridge plans.~~

The applicant shall construct the "Colter Street Driveway" to accommodate future signalization (minimum thirty-five [35] foot opening). ~~(minimum 40 foot opening).~~

All landscaping within Maricopa County right-of-way must meet criteria specified in MCDOT Roadway Design Manual, Chapter 9.

- 6. S2004-071 District 1**
Applicant: UTAZ Development Corporation
Location: East of the northeast corner of Alma School Road and Riggs Road (in Sun Lakes area).
Request: Final Plat (Condominiums) in the C-1 PD zoning district for Sun Lakes Professional Village (4.16 gross acres)

Discussion ensued as to the need for a bond. It was ascertained that the bond had been signed and posted by MCDOT. The bond was necessary for the water and sewer extension improvements and it is the County Engineer's responsibility that these improvements be made. Ms. Rich explained that the bond was for the water and sewer improvements.

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Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the final plat.

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board